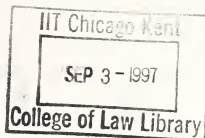
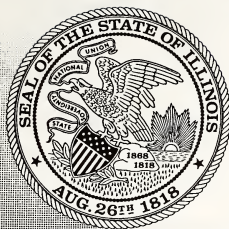


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State of Illinois



1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 35—August 29, 1997

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April 18, 1997 - Issue 16: Through	March 31, 1997
July 18, 1997 - Issue 29: Through	June 30, 1997
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June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

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August 1997 - 730 - GA-161

OFFICE OF THE COMPTROLLER
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Funeral or Burial Funds Act
- 2) Code Citation: 38 Ill. Adm. Code 610
- 3) Section Numbers: Proposed Action:
610.Exhibit A New
- 4) Statutory Authority: 225 ILCS 45
- 5) A Complete Description of the Subjects and Issues Involved: A booklet promulgated by the Comptroller's Office must be distributed before any pre-nneed funeral contract may be sold in Illinois. The booklet assists consumers to make decisions in connection with the purchase of funeral and burial services and merchandise.
- 6) Will these proposed rule replace an emergency rule currently in effect? No.
- 7) Does this proposed rulemaking contain an automatic renewal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): These proposed rules do not affect units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. Written comments may be submitted within 45 days of the publication of this notice to:

Keith J. Flanagan
Office of the Comptroller
201 State Capitol Building
Springfield, Illinois 62706-0001
21/782-5328

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Funeral Homes, Cemeteries and Insurance Companies and Producers.
- B) Reporting, bookkeeping or other procedures required for compliance: Licensees will distribute the consumer guide before selling any pre-need contract in Illinois.
- C) Types of professional skills necessary for compliance: No

OFFICE OF THE COMPTROLLER
NOTICE OF PROPOSED RULES

additional professional skills necessary for compliance.

- 13) State reason for rulemaking if not included in most recent regulatory agenda: This rule was not included on either of the 2 most recent regulatory agendas because: The omission of the Regulatory Agenda publication requirement was inadvertent on the part of the Comptroller's Office, being partially mitigated by the Joint Committee's publication of its Recommendation on July 12, 1996 calling for the Office to develop this booklet.

The full text of the proposed amendment begins on the next page

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER V: COMPTROLLER

PART 610

ILLINOIS FUNERAL OR BURIAL FUNDS ACT

Section

610.10 Statutory Authority

610.20 Application

610.30 Citations

610.40 Requirements of Pre-Need Contract by Funding Methods

610.50 Requirements for all Pre-Need Contracts

610.60 Trust Investment in Life Insurance or Annuities

610.70 Requirements for Pre-Need Booklet

610.80 Licensing of Sellers of Pre-Need Contracts Funded by Life Insurance or Tax-Deferred Annuity

610.90 Schedule of Charges for Examinations for Licensee of Pre-Need Contracts Funded by Life Insurance or Tax-Deferred Annuity

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OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

Section 610. EXHIBIT A Illinois Consumers Guide to Pre-Need Funeral and Burial Planning

ILLINOIS CONSUMERS GUIDE TO PRE-NEED

FUNERAL AND BURIAL PLANNING

The Illinois Funeral or Burial Funds Act, 225 ILCS 45, sets forth rights protecting consumers who purchase funeral and burial services and merchandise in advance of need ("pre-need"). The State Comptroller has jurisdiction over the administration and enforcement of this law.

This guide is intended to assist you in making decisions in connection with the purchase of funeral and burial services and merchandise -- pre-need -- and to advise you of your rights and protections under Illinois law.

What is Pre-Need Funeral or Burial Planning?

Pre-need funeral or burial planning is purchasing, in advance, funeral or burial services and merchandise that you select for yourself or loved ones. In connection with the purchase of pre-need services and merchandise, you enter into a pre-need contract with the seller cemetery or funeral home.

What Protections does Illinois Law Afford Consumers?

Sellers of pre-need services and merchandise must be licensed by the State of Illinois through the Office of the Comptroller. You should verify that the person with whom you are doing business is licensed to sell pre-need services and merchandise before you make your purchase.

What Services and Merchandise are Covered by the Funeral or Burial Funds Act?

Payment in advance for services, including the performance of funeral services, and for merchandise, including caskets, burial containers, urns, caskets and clothing. The Illinois Cemetery Care Act and the Illinois Pre-Need Cemetery Sales Act also afford protection to consumers of cemetery services and merchandise, including perpetual care and pre-need merchandise such as markers and memorials.

Be Sure to Read Your Contract

All pre-need contracts sold in Illinois must contain disclosures to assist consumers in their selection of pre-need services and merchandise. Required disclosures include: a clear identification of the seller's name and address; the purchaser and the beneficiary; a complete description of the goods and services to be provided; clear notice as to whether the contract is for a guaranteed or non-guaranteed price; the type of funding mechanism for the contract (i.e., trust account, life insurance policy or annuity); and the cancellation and penalty policy of the seller.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

What is a "Guaranteed" Price?

With a guaranteed contract, the cemetery or funeral home guarantees to provide you with the services and merchandise you selected for the amount of money stated in the contract plus the interest earned on the amount held in trust. This means that you or your estate will not be required to pay any additional costs for the items guaranteed, except for unexpected charges incurred (which may include, for example, the need for shipment of remains from a distance).

If the contract does not guarantee the prices charged, that fact must be clearly stated in the contract, indicating that the funds paid under a non-guaranteed contract are only deposits to be applied toward the final payment.

Consumer Payments on Pre-need Services and Merchandise Must be Placed in a Trust Account.

Where a trust account is the selected funding mechanism, the cemetery or funeral home must place 95% of the purchase amount of all services and merchandise and 95% of the purchase amount of outer burial containers (burial vaults) into trust to ensure delivery at the time of need.

May I Fund a Pre-need Arrangement with a Life Insurance Policy or Annuity?

Yes, under Illinois law, a pre-need contract may be funded through an insurance policy or tax deferred annuity. The insurance policy or annuity may or may not be sold in connection with a commitment from a licensed funeral establishment to provide specific services or merchandise. If there is no provider of funeral services or merchandise, this fact must be disclosed in your contract, without providing any and no mechanism insurance coverage providing a payout of a certain amount and not exceeding the actual actual pre-need contract that guarantees the actual provision and price for funeral and/or burial services and merchandise. Be sure to read your contract and/or insurance policy carefully.

Can I Get My Money Back if I Change My Mind?

Yes, depending on the circumstances. The penalties for cancelling a pre-need contract will be different depending upon when the contract is cancelled. If a pre-need contract is subject to the Federal Trade Commission (FTC) three-day cancellation rule (applies to door-to-door sales) you may cancel the contract within three business days after it is signed without any penalty.

If a pre-need contract is funded by an insurance policy, Illinois law allows you to cancel the insurance policy within 30 days without penalty. Cancellation of an insurance policy does not necessarily serve to cancel the pre-need contract. After 30 days you are entitled to the accrued "cash surrender value" of the policy upon cancellation.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

Unless made irrevocable, you may cancel a pre-need contract at any time. If cancellation occurs as a result of your default on payments, the seller is permitted to retain the lesser of 25% of the sales proceeds or \$300.

The seller cannot otherwise cancel the contract. If you cancel the contract after it is paid in full, the seller may retain the lesser of 10% of the sales proceeds or \$300.

What Can I Do if I Believe I am Treated Unfairly?

If you think that you have been a victim of unfair or illegal practices in the handling of pre-need funds, you may file a written complaint with the Office of the Comptroller of Cemetery and Burial Trusts, James R. Thompson Center, Suite 15-500, 300 West Randolph Street, Springfield, Illinois 62601. In addition, the State Attorney General can order a civil action for restitution and issue fines. If you believe that an illegitimate existing action or sale of insurance used to fund a pre-need contract, you can file a complaint with the Illinois Department of Insurance, 320 West Washington, Floor 4, Springfield, Illinois 62767.

For more information on preplanning or prepaying,
see your local cemetery or funeral director.

(Source: Added at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking. The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket 897-20 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Aygeman at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected. The existing rules and proposed amendments affect small businesses, small municipalities, and not-for-profit corporations that engage in the management or disposal of municipal solid waste as the owner or operator of a municipal solid waste landfill. Other aspects of the amendments allow alternative management requirements for certain small facilities and allow the use of an insurer licensed in a sister state for providing financial assurance.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records. The amendments impose new reporting and recordkeeping requirements and other procedures on those using either the alternative local government financial test or the local government guarantee to provide required financial assurance for a municipal solid waste landfill.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: January and July 1997

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE 1: SOLID WASTE DISPOSAL
CHAPTER 11: POLLUTION CONTROL BOARD
SURCHAPTER 1: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810

SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section	Scope and Applicability
810.101	Severability
810.102	Definitions
810.103	Incorporations by Reference
810.104	

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27).

SOURCE: Adopted in 1988-7 at 14 Ill. Reg. 15938, effective September 18, 1990; amended in 1993-10 at 18 Ill. Reg. 1259, effective January 13, 1994; amended in 1995-26 at 18 Ill. Reg. 12457, effective January 13, 1996; amended in 1996-11 at 18 Ill. Reg. 14427, effective September 29, 1995; amended in 1996-11 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in 1997-20 at 21 Ill. Reg. _____, effective _____.

Section 810.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:

- 1) Code of Federal Regulations:
40 CFR 141.40 (1995)(1998).
40 CFR 258 Appendix II (1995)(1992).
- 2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036:
Auditing Standards—Current Text, August 1, 1990 Edition.
- 3) ASTM, American Society for Testing and Materials, 1976 Race Street, Philadelphia PA 19103, (610) 832-9585:
D 1502-76, Test Method for Collection of Gross Samples of Soil;
D 1502-76, Standard Test Method for Shake Extraction of Solid Waste with Water.
D 5102, Standard Test Method for Unconfined Compressive Strength of Cohesive Soils (1990).
- 4) GASB, Government Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:
Statement 18

5144 U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Update I) (November, 1990)

§17 U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, Maryland 20781, (301) 394-0081;

Engineering Manual 110-2-1906 Appendix VII, Gallings-Head

Permeability Test with Permeometer Cylinders (1986).

b) This incorporation includes no later amendments or editions.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards For New Solid Waste Landfills

2) Code citation: 35 Ill. Adm. Code 811

3) Section numbers:

811.106 Proposed action:

811.310 Amendment

811.314 Amendment

811.700 Amendment

811.706 Amendment

811.707 Amendment

811.711 Amendment

811.712 Amendment

811.713 Amendment

811.714 Amendment

811.716 New Section

811.717 New Section

811.718 Amendment

811.App. A, Illus. C

811.App. A, Illus. D

811.App. B

811.App. B

4) Statutory authority: 415 ILCS 5/22.40 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of August 7, 1997, in 897-20, which opinion is available from the address below. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to those Sections of the IAPA, it is not subject to first notice or to second notice review by JCRR.

The 897-20 proceeding updates Parts 810 and 811 of the Illinois RCRA Subtitle D municipal solid waste landfill rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1 through December 31, 1996. During this period, USEPA amended its regulations as follows:

Federal Action

July 1, 1996
(61 Fed. Reg.
34251)

Summary

Amendments to Classification Criteria for Solid Waste Disposal Facilities. USEPA amended its RCRA Subtitle C hazardous waste rules and its RCRA Subtitle D rules at 40 CFR 257 to require that conditionally exempt small quantity generator waste be disposed of in facilities that meet certain minimum criteria.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

September 25, 1996
(61 Fed. Reg.
50409)

Re-establishment of the Groundwater Monitoring Exemption for Certain Small MSWLFs. US EPA amended its RCRA Subtitle D MSWLF rules to re-establish the groundwater monitoring exemption for certain small landfills in dry or remote areas that accept less than 20 tons of waste for disposal per day.

November 27, 1996
(62 Fed. Reg.
60327)

Additional Financial Assurance Mechanisms for Local Government MSWLF Owners and Operators. US EPA amended its RCRA Subtitle D MSWLF rules to allow alternative mechanisms for demonstrating financial assurance.

In addition to the above actions that occurred in the nominal time-frame of this docket, the Board has included a very recent action that would normally come under the docket for the period of July 1 through December 31, 1997 that will be reserved in January 1998. The Board has made this inclusion because the federal action at issue allows the relaxation of certain MSWLF requirements for certain small landfills. The later federal action included is as follows:

July 29, 1997
(62 Fed. Reg.
40707)

Amendments That Allow the States to Relax Certain Operating Requirements for Small MSWLFs. US EPA amended its RCRA Subtitle D MSWLF rules by a direct final rule to allow the states to grant relief to certain MSWLF facilities that accept less than 20 tons of waste for disposal per day. The amendments allow the states to establish alternative requirements for daily covering methane monitoring frequencies, infiltration layers for closure, and demonstrating financial assurance.

Finally, the present amendments implement portions of P.A. 89-200, which became law on July 21, 1995 and was effective on January 1, 1996. Among other things, that Act amended the Environmental Protection Act to allow the use of insurers that are regulated by sister states for providing financial assurance.

Specifically, the segment of the amendments involved in Part 811 implements the substantive amendments described above.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

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8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of the regulations contains incorporations by reference. 35 Ill. Adm. Code 810.104 contains the central listing of incorporations by reference for all of 35 Ill. Adm. Code 810 through 815 and 817. The present amendments add an incorporation of a public accounting standard at Section 810.104 for the purpose of compliance with the requirements of 35 Ill. Adm. Code 811.716.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.40(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the management or disposal of municipal solid waste as the owner or operator of a municipal solid waste landfill. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #97-20 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeaman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The existing rules and proposed amendments affect small businesses, small municipalities, and not-for-profit corporations that engage in the management or disposal of municipal solid waste as the owner or operator of a municipal solid waste landfill. Other aspects of the amendments allow alternative management requirements for certain small facilities and allow the use of an insurer licensed in a sister state for providing financial assurance.

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- B) Reported, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the maintenance of operating records, the analysis, waste analysis, and recordkeeping requirements and other procedures on the existing either the alternative local government financial test or the local government guarantee to provide required financial assurance for a municipal solid waste landfill.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory Agenda on which this rulemaking was summarized: January and July 1997

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

- TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

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811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging Control
811.109	Final Cover
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

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811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

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811.301	Scope and Applicability
811.302	Facility Location
811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal System
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management System

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- 811.312 Landfill Gas Processing and Disposal System
811.313 Intermediate Cover
811.314 Final Cover System
811.315 Hydrogeological Site Investigations
811.316 Plugging and Sealing of Drill Holes
811.317 Groundwater Impact Assessment
811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
811.319 Groundwater Monitoring Programs
811.320 Groundwater Quality Standards
811.321 Waste Placement
811.322 Final Slope and Stabilization
811.323 Load Checking Program
811.324 Corrective Action Measures for MSWLF Units
811.325 Selection of Remedy for MSWLF Units
811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section

- 811.401 Scope and Applicability
811.402 Notice to Generators and Transporters
811.403 Special Waste Manifests
811.404 Identification Record
811.405 Recordkeeping Requirements
811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section

- 811.501 Scope and Applicability
811.502 Duties and Qualifications of Key Personnel
811.503 Inspection Activities
811.504 Sampling Requirements
811.505 Documentation
811.506 Foundations and Subbases
811.507 Compacted Earth Liners
811.508 Geomembranes
811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section

- 811.700 Scope, Applicability and Definitions
811.701 Upgrading Financial Assurance
811.702 Release of Financial Institution
811.703 Application of Proceeds and Appeals
811.704 Closure and Postclosure Care Cost Estimates
811.705 Revision of Cost Estimate

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- 811.706 Mechanisms for Financial Assurance
811.707 Use of Multiple Financial Mechanisms
811.708 Use of a Financial Mechanism for Multiple Sites
811.709 Trust Fund for Unrelated Sites
811.710 Trust Fund
811.711 Surety Bond Guaranteeing Payment
811.712 Surety Bond Guaranteeing Performance
811.713 Letter of Credit
811.714 Closure Insurance
811.715 Self-Insurance for Non-commercial Sites
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811.717 Local Government Guarantee
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APPENDIX A Financial Assurance Forms

- ILLUSTRATION A Trust Agreement
ILLUSTRATION B Certificate of Acknowledgment
ILLUSTRATION C Surety Bond
ILLUSTRATION D Release and Indemnification Agreement
ILLUSTRATION E Irrevocable Standby Letter of Credit
ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure Care

- ILLUSTRATION G Operator's Bond Without Surety
ILLUSTRATION H Operator's Bond With Parent Surety
ILLUSTRATION I Letter from Chief Financial Officer

APPENDIX B Section-by-Section Correlation Between the Requirements of the Federal MSWLF Regulations at 40 CFR 258 (1992) and the Requirements of Parts 810 through 814

AUTHORITY: Implementing Sections 5, 21.1, 22, 22.17, 22.40 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, 28.1 and 27].

SOURCE: Adopted in 88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in 89-2 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in 89-19 at 18 Ill. Reg. 13067, effective January 13, 1993; amended in 89-19 at 18 Ill. Reg. 13067, effective January 13, 1993; amended in 89-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in 89-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in 89-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in 89-20 at 21 Ill. Reg. _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

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Section 811.106 Daily Cover

- a) A uniform layer of at least 0.15 meter (six inches) of clean soil material shall be placed on all exposed waste by the end of each day of operation.
- b) Alternative materials or procedures, including the removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve equivalent or superior performance to the requirements of subsection (a) in the following areas:
- 1) Prevention of blowing debris;
 - 2) Minimization of access to the waste by vectors;
 - 3) Minimization of the threat of fires at the open face; and
 - 4) Minimization of odors.
- c) Any alternative frequencies for cover requirements to those set forth in subsections (a) and (b) for any owner or operator of a MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative requirements established under this subsection will:
- 1) Consider the unique characteristics of small communities;
 - 2) Take into account climatic and hydrogeologic conditions; and
 - 3) Be protective of human health and the environment.
- BOMB NOTE: Subsection (c) is derived from 40 CFR 258.21(d), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.
- b) Location and Design of Monitoring Wells
- 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
 - 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
 - 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
 - 4) Monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
 - 5) Gas monitoring devices shall be designed and constructed to

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- measure pressure and allow collection of a representative sample of gas.
- 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.
 - 7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.
 - 8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the waste.
- c) Monitoring Frequency
- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
 - 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
 - 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.
 - 4) Monitoring shall be continued for a minimum period of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (c)(5) and (c)(6), below; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing of wastes generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring may be discontinued if the following conditions have been met for at least one year:
 - A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
 - B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).
 - 5) The Agency may reduce the gas monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
 - 6) The owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:
 - i) Inspection and maintenance (Section 811.111);
 - ii) Leachate collection (Section 811.309);
 - iii) Gas monitoring (Section 811.310); and

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iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (c) are derived from 40 CFR 258.61 (1996 1992).

d) Parameters to be Monitored

1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen; and
- E) Carbon dioxide.

2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than five miles (8 kilometers) per hour and the distance from the monitoring device to the property boundary, whichever is closer to the unit.

3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at points where methane might enter the building.

e) Any alternative frequencies for the monitoring requirement of subsection (c) for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative monitoring frequencies established under this subsection (e) will:

- 1) Consider the unique characteristics of small communities;
- 2) Take into account climatic and hydrologic conditions; and
- 3) Be protective of human health and the environment.

BOARD NOTE: Subsection (d) is derived from 40 CFR 258.23(e), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 811.314 Final Cover System

a) The unit shall be covered by a final cover consisting of a low permeability layer overlain by a final protective layer constructed in accordance with the requirements of this Section.

b) Standards for The Low Permeability Layer

- 1) Not later than 60 days after placement of the final lift of solid waste, a low permeability layer shall be constructed.
- 2) The low permeability layer shall cover the entire unit and connect with the liner system.
- 3) The low permeability layer shall consist of any one of the following:

- A) A compacted earth layer constructed in accordance with the following standards:

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i) The minimum allowable thickness shall be 0.91 meter (3 feet);

ii) The layer shall be compacted to achieve a permeability of 1×10^{-7} centimeters per second and minimize void spaces.

iii) Alternative specifications may be utilized provided that the performance of the low permeability layer is equal to or superior to the performance of a layer meeting the requirements of subsections (b)(3)(A)(i) and (b)(3)(A)(ii).

B) A geomembrane constructed in accordance with the following standards:

i) The geomembrane shall provide performance equal or superior to the compacted earth layer described in subsection (b)(3)(A).

ii) The geomembrane shall have strength to withstand the normal stresses imposed by the waste stabilization process.

iii) The geomembrane shall be placed over a prepared base free from sharp objects and other materials which may cause damage.

C) Any other low permeability layer construction techniques or materials, provided that they provide equivalent or superior performance to the requirements of this subsection.

4) For a MSWLF unit, subsection (b)(3) notwithstanding, if the bottom liner system permeability is lower than 1×10^{-7} cm/sec, the permeability of the low permeability layer of the final cover system shall be no less than or equal to the permeability of the liner system.

c) Standards for the Final Protective Layer

- 1) The final protective layer shall cover the entire low permeability layer.
- 2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but shall not be less than 0.91 meter (3 feet).

3) The final protective layer shall consist of soil material capable of supporting vegetation.

4) The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.

d) Any alternative requirements for the infiltration barrier in subsection (b) for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative requirements established under this subsection will:

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- 1) Consider the unique characteristics of small communities;
 2) Take into account climatic and hydrogeologic conditions; and
 3) Provide for corrective of human health and the environment.
 BOARD NOTICE: This notice is derived from 40 CFR 258.60(a) (1996
 1999). Subsection (d) is derived from 40 CFR 258.60(b)(3), as added at
 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART G: FINANCIAL ASSURANCE

Section 811.700 Scope, Applicability and Definitions

- a) This Subpart provides procedures by which the owner or operator of a permitted waste disposal facility provides financial assurance satisfying the requirements of Section 21.1(a) of the Act.
- b) Financial assurance may be provided, as specified in Section 811.706, by a trust agreement, a bond guaranteeing payment, a bond guaranteeing payment or performance, a letter of credit, insurance or self-insurance. The owner or operator shall provide financial assurance to the Agency before the waste disposal facility is placed in any use by the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other person who conducts such a waste disposal operation on a site that is owned or operated by such a governmental entity shall provide financial assurance for closure and postclosure care of the site.
- d) The owner or operator is not required to provide financial assurance pursuant to this Subpart if the owner or operator demonstrates:
- 1) That closure and postclosure care plans filed pursuant to 35 Ill. Adm. 724 or 725 will result in closure and postclosure care of the site in accordance with the requirements of this Part; and
 - 2) That the owner or operator has provided financial assurance adequate to provide for such closure and postclosure care pursuant to 35 Ill. Adm. Code 724 or 725.
- e) Definition: "Assumed closure date" means the date during the next period term on which the costs of premature final closure of the facility, in accordance with the standards of this Part, will be greatest.
- f) On or after April 9, 1997, no person, other than the State of Illinois, its agencies and institutions shall conduct any disposal operation at a MSWLF unit that requires a permit under subsection (a) of Section 21 of the Act, unless that person complies with the financial assurance requirements of this part.
- g) The Board will grant a variance pursuant to Sections 35 through 38 of the Act and 35 Ill. Adm. Code 104 that allows a facility to operate not in compliance with the otherwise applicable requirements of this

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Section for use to one year, until April 9, 1998, for good cause, if it determines that an owner or operator has demonstrated that the prior April 9, 1997 effective date for the requirements of this Section did not provide sufficient time to comply and that operating not in compliance with the otherwise applicable provisions of this Section could adversely affect the human health of the environment. The standards adopted in this notice shall be effective until the date the federal Subtitle-B regulations that are individually indicated are applicable to MSWLF units shall not apply to such units until April 9, 1999.

BOARD NOTE: Subsection (f) clarifies the applicability of the financial assurance requirements to units of local government governments, since the Subtitle D regulations exempt only federal and state governments from financial assurance requirements. (See 40 CFR 258.70 (1996 1994) as amended at 60 Fed. Reg. 37652 (April 7, 1995) and 1 P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 53327), USEPA added 40 CFR 258.70(c) (1996), modified here as subsection (f), to allow states to waive the compliance deadline until April 9, 1998.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 811.706 Mechanisms for Financial Assurance

- a) The owner or operator of a waste disposal site may utilize any of the mechanisms listed in subsections (a)(1) through (a)(6) to provide financial assurance for closure and postclosure care, and for corrective action at a MSWLF unit. An owner or operator of a MSWLF unit shall also meet the requirements of subsections (b), (c), and (d). The mechanisms are as follows:
- 1) A trust fund (see Section 811.710);
 - 2) A surety bond guaranteeing Payment (see Section 811.711);
 - 3) A surety bond guaranteeing Performance (see Section 811.712);
 - 4) A letter of Credit (see Section 811.713);
 - 5) Closure Insurance (see Section 811.714); or
 - 6) Self-insurance (see Section 811.715).
- b) Local Government Financial Test (see Section 811.716), or
- 7) Local Government Guarantee (see Section 811.717).
- The owner or operator of a MSWLF unit shall ensure that the language of the mechanisms listed in subsection (a), when used for providing financial assurance for closure, postclosure, and corrective action, satisfies the following:
- 1) The amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action; and
 - 2) The funds will be available in a timely fashion when needed.

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3) The financial assurance mechanisms shall be legally valid, binding, and enforceable under State and Federal law.

c) The owner or operator of a MSWPF unit shall provide financial assurance utilizing one or more of the mechanisms listed in subsection (a) within the following dates:

1) By April 9, 1997, or such later date stated pursuant to Section 811.700, of the initial receipt of solid waste, or, whichever is later, in the case of closure and post-closure care;

2) No later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325, in the case of corrective action.

d) The owner or operator shall provide continuous coverage until the owner or operator is released from the financial assurance requirements pursuant to 35 Ill. Adm. Code 813.403(b) or Section 811.326.

BOARD NOTE: Subsections (b) and (c) are derived from 40 CFR 258.74(l) (1995 1994). Amendments prompted by amendments to 40 CFR 258.74(a)(5) (1995 1994)--as amended--at--60--Fed--Reg--17652--(Apr-7-1995). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWPFs from April 9, 1995 to the date that the Federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 61 Fed. Reg. 60327, USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700, to allow States to waive the compliance deadline until April 9, 1998.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 811.707 Use of Multiple Financial Mechanisms

An owner or operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, letters of credit and insurance. The mechanisms must be as specified in 35 Ill. Adm. Code 811.710, 811.711, 811.713, and 811.714, 811.715, 811.716, and 811.717, as applicable respectively, except that it is the combination of mechanisms, rather than the single mechanism, that which must provide financial assurance for an adequate amount at least equal to the current cost estimate for closure, post-closure care or corrective action, except that mechanisms guaranteeing performance, rather than payment, may not be combined with other instruments. The owner or operator may use any or all of the mechanisms to provide for closure and postclosure care of the site or corrective action.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 811.711 Surety Bond Guaranteeing Payment

a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of a MSWPF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCR Act, Subtitle D (bonds)), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

b) The surety company issuing the bond shall be licensed to transact the business of insurance by the Department of Insurance, licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the Insurance Department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety. Section 21.1(a.5) of the Act [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

c) The surety bond must be on the forms specified in Appendix A, Illustration C, D, or H of this Part.

d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.

e) Conditions of the bond must include:

- 1) The bond must guarantee that the owner or operator will provide closure and postclosure care in accordance with the approved closure and postclosure care plans. If the facility is a MSWPF unit, then the corrective action bond must guarantee that the owner or operator will implement corrective action in accordance with Section 811.326.

- 2) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:

- A) Abandons the site;
- B) Is adjudicated bankrupt;
- C) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction;
- D) Notifies the Agency that it has initiated closure or corrective action, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and

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- postclosure care or corrective action plans; or
- E) For a corrective action bond, fails to implement corrective action at a MSWLF unit in accordance with Section 811.326
- f) Penal sum:

- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Terms:

- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.
- 2) If the owner or operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond shall be extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and postclosure care of the site or corrective action program at a MSWLF unit, unless the Agency determines that the closure or postclosure care plan, corrective action at a MSWLF unit or the amount of substituted financial assurance is inadequate to provide closure and postclosure care or implement corrective action in compliance with this Part.

- 2) After closure and postclosure care have been completed in accordance with the plans and requirements of this Part or after the completion of corrective action at a MSWLF unit in accordance with the plans and requirements of this Part, the Agency shall refund money which was paid into the "Landfill Closure and Postclosure Fund" by the surety.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996 1994), as amended at 68 Fed. Reg. 17952 (Apr. 77-4995). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 161 Fed. Reg. 60337, USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 811.712 Surety Bond Guaranteeing Performance

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of a MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

- b) The surety company issuing the bond shall be licensed to transact the business of insurance by the Department of Insurance, licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (215 ILCS 5), or it shall be a duly licensed and licensed to transact the business of insurance or surplus lines insurer by the insurance department of an excess or surplus insurer by the insurance department of the Treasury as an acceptable surety. Section 21.1(a.5) of the Act (415 ILCS 5/21.1(a.5)).

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

- c) The surety bond must be on the forms as specified in Appendix A, Illustration C, D, or H of this Part.

- d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.

- e) Conditions:

- 1) The bond must guarantee that the owner or operator will provide closure and postclosure care in accordance with the closure and postclosure care plans in the permit. If the facility is a MSWLF, the bond must guarantee that the owner or operator will provide a corrective action bond must guarantee that the owner or operator will provide a corrective action in accordance with Section 811.326. The surety shall be responsible for providing closure and postclosure care or carrying out corrective action, or of paying the penal sum.

- 2) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction;

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- D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or
- E) For a corrective action bond, fails to implement corrective action at a MSWLF unit in accordance with Section 811.326.
- F) Penal sum:
- 1) The penal sum of the bond must be in an amount at least equal to the Agency cost estimate.
 - 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Term:

- 1) The bond must be issued for a term of at least five years and must not be cancellable during that term.
- 2) If the owner or operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension, the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and postclosure care of the site or corrective action at a MSWLF unit, unless the Agency determines that the corrective action plan, corrective action at a MSWLF unit, or the amount of substitute financial assurance is inadequate to provide closure and postclosure care or implement corrective action at a MSWLF unit in compliance with this Part.
- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part or after the completion of corrective action at a MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Postclosure Fund" by the surety.
- 3) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Subpart.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 238.74(b)(1) (1996 1994) as amended at 60 Fed. Reg. 47652 (Apr. 17, 1995), P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance MSWLFs from April 9, 1995 to the date that the Federal financial assurance requirements actually become effective, which was April 9,

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1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 811.713 Letter of Credit

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Section and submitting the letter to the Agency. A letter of credit obtained by an owner or operator of a MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(j), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.
- b) The issuing institution shall be an entity which has the authority to issue letters of credit and:
- 1) Whose letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies pursuant to the Illinois Banking Act [205 ILCS 5]; or
 - 2) Whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) Forms:
- 1) The letter of credit must be on the forms specified in Appendix A, Illustration E.
 - 2) The letter of credit must be accompanied by a letter from the owner or operator, referring to the letter of credit by number, the name and address of the issuing institution, and the effective date of the letter, and providing the following information: the name and address of the site and the amount of funds assured for closure and postclosure care of the site, or for corrective action at a MSWLF unit by the letter of credit.
 - 3) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the landfill closure and postclosure fund within the State Treasury.
 - 4) Conditions on which the Agency may draw on the letter of credit:

- 1) The Agency shall draw on the letter of credit if the owner or operator fails to perform closure or postclosure care in accordance with the closure and postclosure care plans, or fails to implement corrective action at a MSWLF unit in accordance with

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Section 811.326.

2) The Agency shall draw on the letter of credit when the owner or operator:

- A) Abandons the site;
- B) Is adjudicated bankrupt;
- C) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or
- D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, in accordance with the closure and postclosure care or corrective action plan, or corrective action, in accordance with the closure and postclosure care or corrective action plan, or corrective action at a MSWLF unit in accordance with Section 911.326.

£) Amount:

- 1) The letter of credit must be issued in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.

g) Term:

- 1) The letter of credit must be issued for a term of at least five years and must be irrevocable during that term.
- 2) If the owner or operator fails to substitute alternative financial assurance prior to expiration of a letter of credit, the term of the letter of credit must be automatically extended for one twelve-month period starting with the date of expiration. During such extension, the letter of credit will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the owner, operator or another person provides financial assurance for closure and postclosure care of the site or corrective action at a MSWLF unit, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care, or implement corrective action at a MSWLF unit, as required by this Part.

- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part or after the completion of corrective action at a NSWRP unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Randfill Closure and Postclosure Fund" by the financial institution.

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BOARD ORDER NSM7 corrective action language at subsection (a) is derived from 40 CFR 258.7(c)(1) (1995 1994), as amended at 69 Fed. Reg. 17652 (April 7, 1994), signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance requirements for NSMWRs from April 9, to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USFSA added 40 CFR 258.7(c) (1996), codified here as Section 911.700(g), to allow states to implement the deadline for financial assurance requirements for NSMWRs from April 9, 1997, to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. The changes reflect the inclusion of NSMWR units under this Section implementing corrective action at NSMWR units under this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 811.714 Closure Insurance

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining closure and postclosure care insurance which conforms to the requirements of this Section and submitting an executed duplicate original of such insurance policy to the Agency.
- b) The insurer shall be licensed to transact the business of insurance. *The Department of Insurance, licensed to transact the business of insurance by the Illinois Department of Insurance pursuant to the Insurance-Of-Illinois Insurance Code (4111-Rev-Stat-1991-ch-73-par-631-et seq. [215 ILCS 5/4-et-seq]), or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the Insurance Department in one or more states, Section 211.1(a.5) of the Act (415 ILCS 5/21.1(a.5)).*
- c) The policy must be on forms approved by the Illinois Department of Insurance pursuant to the Illinois Insurance Code or on forms approved by the insurance department of one or more states.
- d) Face amount:
 - 1) The closure and postclosure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will decrease as the amount of the payments.
 - 2) The Agency shall approve a deduction from the amount of the policy whenever the current cost estimate decreases.
- e) The closure and postclosure care insurance policy must guarantee that funds will be available to close the site and to provide postclosure care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency deems fit.

c) ILCS 5/21.1(a.5)
The policy must be on forms approved by the Illinois Department of Insurance pursuant to the Illinois Insurance Code or on forms approved by the insurance department of one or more states.

- a) The closure and postclosure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- b) The Agency shall approve a reduction in the amount of the policy when the current cost estimate decreases.
- c) The closure and postclosure care insurance policy must guarantee that funds will be available to close the site and provide postclosure care thereafter. The policy must also guarantee that, upon the beginning, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies. The

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insurer will be liable when:

- 1) The owner or operator abandons the site;
- 2) The owner or operator is adjudicated bankrupt;
- 3) The Board, pursuant to Title VIII of the Act, or a court of competent jurisdiction orders the site closed;
- 4) The owner or operator notifies the Agency that it is initiating closure; or

5) Any person initiates closure with approval of the Agency.

6) Reimbursement for closure and postclosure care expenses:
 1) After initiating closure, an owner or operator or any other person authorized to perform closure or postclosure care may elect to reimburse the Agency for the cost of closure and postclosure care expenditures by submitting itemized bills to the Agency.

2) Within 60 days after receiving bills for closure and postclosure care activities, the Agency shall determine whether the expenditures are in accordance with the closure or postclosure care plan. The Agency shall direct the insurer to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure and postclosure care plans.

3) If the Agency determines based on such information as is available to it that the cost of closure and postclosure care will be greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines that the owner or operator is no longer required to maintain financial assurance. In the event the face amount of the policy is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:

- A) Persons with whom the Agency has contracted to perform closure and postclosure care activities (first priority);
- B) Persons who have completed closure and postclosure care authorized by the Agency (second priority);
- C) Persons who have completed work which furthered the closure or postclosure care (third priority);
- D) The owner or operator and related business entities (last priority).

g) Cancellation:

1) The owner or operator shall maintain the policy in full force and effect until the Agency releases the insurer pursuant to Section 811.702.

2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or

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failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.

h) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not reasonably refused.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 811.716 Local Government Financial Test

A unit of local government owner or operator that satisfies the requirements of subsections (a) through (c) may demonstrate financial assurance up to the amount specified in subsection (d).

a) Financial component.

1) The unit of local government owner or operator shall satisfy subsection (a)(1)(A) or (a)(1)(B), as applicable:

A) If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard and Poor's on all such general obligation bonds; or

B) The owner or operator shall satisfy each of the following financial ratios based on the owner or operator's most recent audited financial statements:

- i) A ratio of annual debt service to total revenues, greater than or equal to 0.05; and
- ii) A ratio of annual debt service to total expenditures less than or equal to 0.20.

2) The unit of local government owner or operator shall prepare its financial statements in conformity with Generally Accepted Accounting Principles for governments and have its financial statements audited by an independent certified public accountant of the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act (50 ILCS 310).

3) A unit of local government is not eligible to assure its obligations under this Section if any of the following is true:

- A) It is currently in default on any outstanding general obligation bonds;
- B) It has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard

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- and Poor's.
- C) It operated at a deficit equal to five percent or more of total annual revenue in each of the last two fiscal years; or
- D) It receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act 150 ILCS 310 auditing its financial statement as required under subsection (a)(12). However, the Agency shall evaluate qualified opinions on a case-by-case basis and allow use of the same in cases where the Agency deems the financial qualification insufficient to warrant disallowance of use of the test.
- 4) The following terms used in this Section are defined as follows:

"Deficit" equals total annual revenues minus total annual expenditures.

"Total revenues" include revenues from all taxes and fees but does not include the proceeds from borrowing or asset sales, excluding revenue from funds managed by a unit of local government on behalf of a specific third party.

"Total expenditures" include all expenditures excluding capital outlays and debt repayment.

"Cash plus marketable securities" is all the cash plus marketable securities owned by the unit of local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy debt obligations such as pensions.

"Debt service" is the amount of principal and interest due on a loan in a given time period, typically the current year.

b) Public notice component.

- 1) The unit of local government owner or operator shall place a reference to the closure and post-closure care costs assured through the financial test into its next comprehensive annual financial report (CAFR) after November 15, 1997 or prior to the initial receipt of waste at the facility, whichever is later.
- 2) Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years.
- 3) A reference to corrective action costs must be placed in the CAFR. At least within 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections

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- 811.319(d) and 811.325.
- 4) For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget.
- 5) For closure and post-closure care costs, conformance with Government Accounting Standards Board Statement 18, incorporated by reference in 35 Ill. Adm. Code 810.104, assures compliance with this public notice component.
- 6) Recordkeeping and reporting requirements.
- 7) The following items in the facility's operating record must place the following items in the unit of local government's chief financial officer that:
- 1) Lists all the current cost estimates covered by a financial test, as described in subsection (d);
 - 2) Provides evidence and certifies that the unit of local government meets the conditions of subsections (a)(1), (a)(2), and (a)(3); and
 - 3) Certifies that the unit of local government meets the conditions of subsections (b) and (f)(1).
- 8) The unit of local government's independently audited year-end financial statements for the latest fiscal year (except for a unit of local government where audits are required every two years where unaudited statements may be used in years when audits are not required), including the unaudited opinion of the auditor who must be an independent certified public accountant (CPA) or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act 150 ILCS 310.
- 9) A report to the unit of local government from the unit of local government's independent CPA or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act 150 ILCS 310 based on reforming an agreed upon procedures engagement relative to the financial ratios required by subsection (a)(1)(B), if applicable, and the requirements of subsections (a)(2), (a)(3)(C), and (a)(3)(D). The CPA or Comptroller's report should state the procedures performed and the CPA or Comptroller's findings and
- 10) A copy of the comprehensive annual financial report (CAFR) used to comply with subsection (b) or certification that the requirements of General Accounting Standards Board Statement 18, incorporated by reference in Section 810.104, have been met.
- 2) The items required in subsection (c)(1) must be placed in the facility operating record as follows:

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- A) In the case of closure and post-closure care, either before or after the receipt of the initial receipt of waste at the facility, the owner or operator shall place the waste in a container within 120 days after the corrective action remedy is selected in accordance with the requirements of Sections 811.319(d) and 811.325.
- 3) After the initial placement of the items in the facility operating record, the unit of local government owner or operator shall update the information and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.
- 4) The unit of local government owner or operator is no longer required to meet the requirements of subsection (c) when:
 - A) The owner or operator substitutes alternative financial assurance as specified in this Section; or
 - B) The owner or operator is released from the requirements of this Section in accordance with Section 811.326(g), 811.702(b), or 811.704(1) or (1)(6).
- 5) A unit of local government must satisfy the requirements of the financial test at the close of each fiscal year. If the unit of local government owner or operator no longer meets the requirements of the local government financial test, it shall, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Subpart, place the required submittals for that assurance in the operating record, and notify the Agency that the owner or operator no longer meets the criteria of the financial test and that alternative assurance has been obtained. The Agency, based on a reasonable belief that the unit of local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the unit of local government at any time. If the Agency, on the basis of such reports or other information, determines that the owner or operator no longer meets the requirements of the local government financial test, the unit of local government must provide alternative financial assurance in accordance with this Subpart.
- 6) Calculation of costs to be assured. The portion of the closure, post-closure, and corrective action costs that an owner or operator may be required to assure is determined as follows:
 - A) If the unit of local government owner or operator does not assure other environmental obligations through financial test, it shall assure closure, post-closure, and corrective action costs that equal up to 43 percent of the unit of local government's total annual revenue.
 - B) If the unit of local government assures other environmental obligations through a financial test, including those associated with UIC facilities under 35 Ill. Adm. Code 704.213, petroleum

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- underground storage tank facilities under 40 CFR 280, PCB storage facilities under 40 CFR 761, and hazardous waste treatment, storage, and disposal facilities under 35 Ill. Adm. Code 724 and 725. It must add those costs to the closure, post-closure, and corrective action costs it seeks to assure under this Section. The total that may be assured must not exceed 43 percent of the unit of local government's total annual revenue.
- 3) The owner or operator must obtain an alternative financial assurance instrument for those costs that exceed the limits set in subsections (d)(1) and (d)(2).
- BOARD NOTE: Derived from 40 CFR 258.74(f), added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 811.717 Local Government Guarantee

An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by Section 21.1(a) of the Act and Subpart G of this Part, by obtaining a written guarantee provided by a unit of local government. The guarantor shall meet the requirements of the local government financial test in Section 811.716, and shall comply with the terms of a written guarantee.

- A) Terms of the written guarantee. The guarantee must be effective before the initial receipt of waste or before November 15, 1997, whichever is later, in the case of closure or post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325. The guarantee must provide that:
 - 1) If the owner or operator fails to perform closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor must:
 - A) Perform, or pay a third party to perform, closure, post-closure care, or corrective action as required or established in a facility permit or order, as specified in Section 811.710.
 - B) Reimburse the owner or operator for the cost of the corrective action.
 - 2) The guarantee must remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
 - 3) If a guarantee is cancelled, the owner or operator shall, within 90 days following receipt of the cancellation notice by the owner or operator and the Agency, obtain alternative financial assurance, place evidence of that alternative financial assurance in the facility operating record, and notify the Agency. If the

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owner or operator fails to provide alternative financial assurance within the 90-day period, the guarantor must provide that alternative assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternative assurance in the facility operating record, and notify the Agency.

b) Recordkeeping and reporting.

1) The owner or operator shall place a certified copy of the items required under Section 811.716(c) into the facility's permit before the material is placed into waste or before November 15, 1997, whichever is later, in the case of closure or post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325.

2) The owner of operator is no longer required to maintain the items specified in subsection (b) when:

- The owner or operator substitutes alternative financial assurance, as specified in this Subpart; or
- The owner or operator is released from the requirements of this Section in accordance with Section 811.326(1), 811.702(b), or 811.704(1) or (k)(16).

3) If a unit of local government guarantor no longer meets the requirements of Section 811.716, the owner or operator shall, within 90 days, obtain alternative assurance, place evidence of that alternative assurance in the facility operating record, and notify the Agency. If the owner or operator fails to obtain alternative financial assurance within that 90-day period, the guarantor shall provide that alternative assurance within the next 30 days.

BOARD NOTE: Derived from 40 CFR 258.74(h), added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 811.718 Discounting

The Agency shall allow discounting of closure cost estimates, post-closure cost estimates, and corrective action cost estimates in Section 811.704 up to the rate of return for essentially risk free investments, net of inflation, under the following conditions:

- The Agency determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a professional engineer, as required in Section 810.103, so stating that the Agency finds the estimates to be in compliance with applicable and appropriate permit conditions; and
- The Agency determines that the closure date is certain, and the owner

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or operator certifies that there are no foreseeable factors that will change the estimate of site life.

Discounted cost estimates must be adjusted annually to reflect inflation and the anticipated years of remaining life.

BOARD NOTE: Derived from 40 CFR 258.75, added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 811. APPENDIX A Financial Assurance Forms

Section 811. ILLUSTRATION C Forfeiture Bond

FORFEITURE BOND

Date bond executed: _____
 Effective date: _____
 Principal: _____
 Type of organization: _____
 State of incorporation: _____
 Surety: _____
 Sites: _____
 Name: _____
 Address: _____
 City: _____
 Amount guaranteed by this bond: \$ _____
 Name: _____
 Address: _____
 City: _____
 Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ _____
 Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal provides closure and postclosure care or corrective action for each site in accordance with the closure and postclosure care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors

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and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act (415 ILCS 110/21(d)) to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under 21.1 of the Environmental Protection Act to provide financial assurance for closure and postclosure care or corrective action; and

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or is licensed to provide insurance as an agent or broker on surplus lines insured by the Insurance Department in one or more states;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure and postclosure care or corrective action for any site in accordance with the closure and postclosure care or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- Abandons the site;
- Is adjudicated bankrupt;
- Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board or a court of competent jurisdiction; that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or
- For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care or corrective action. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

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This bond shall expire on the _____ day of _____, _____; provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for on twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

PRINCIPAL

Signature Name _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date _____

Corporate seal _____

CORPORATE SURETY

Signature _____

Typed Name _____

Title _____

Corporate seal _____

Bond premium: \$ _____

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

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Section 811. ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites: _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and postclosure care or corrective action for each site in accordance with the closure and postclosure care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

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Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act (415 Rev. Stat. 1991, ch. 111-1/2, par. 1-18a(18)) [415 ILCS 5/21(d)] to have a permit to conduct a waste disposal operation:

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act, to provide financial assurance for closure and postclosure care or corrective action; and

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans for the site if, during the term of the bond, the Principal fails to provide closure and postclosure care or corrective action for any site in accordance with the closure and postclosure care plans or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- Abandons the site;
- Is adjudicated bankrupt;
- Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board or a court of competent jurisdiction;
- Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans;
- For corrective action fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care or corrective action. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

If the Surety notifies the Agency that it intends to provide closure and postclosure care or corrective action, then the Surety must initiate closure and postclosure care or correction action within 60 days after the IEPA mailed

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notice to the Surety that the Principal failed to provide closure and postclosure care or corrective action. The Surety must complete closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date and the IEPA mails notice of such failure, the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

PRINCIPAL

Signature _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date _____

Corporate seal _____

CORPORATE SEAL

Signature _____

POLLUTION CONTROL BOARD

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Typed Name _____

Title _____

Corporate seal _____

Bond premium: \$ _____

(Source: Amended at 21, Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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Section 811. APPENDIX B Section-by-Section Correlation Between the Requirements of the Federal RCRA Regulations at 40 CFR 258 (1992) and the Requirements of Parts 810 through 814

RCRA SUBTITLE D REGULATIONS

ILLINOIS LANDFILL REGULATIONS

I. SUBPART A: General

- 1) Purpose, Scope, and Applicability (40 CFR 258.1)
- 811.304, 811.401, 811.501, and 811.700. EL(2): Section 814.101.
- 2) Definitions (40 CFR 258.2)
- 810.103.

II. SUBPART B: Location Restrictions

- 1) Airport safety (40 CFR 258.10)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302(c) and 814.402(c).
- 2) Floodplains. (40 CFR 258.11)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.
- 3) Wetlands. (40 CFR 248.12)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.
- 4) Fault areas. (40 CFR 258.13)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 5) Seismic impact zones. (40 CFR 258.14)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 6) Unstable areas. (40 CFR 258.15)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302(c) and 814.402(c).

- 7) Closure of existing MSW units. (40 CFR 258.16)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

III. SUBPART C: Operating Criteria

V. SUBPART E: Groundwater Monitoring and Corrective Action

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- 1) Procedures for excluding the receipt of hazardous waste. (40 CFR 258.20)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 2) Cover material requirements. (40 CFR 258.21)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 3) Disease vector control. (40 CFR 258.22)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 4) Explosive gas control. (40 CFR 258.23)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 5) Air criteria. (40 CFR 258.24)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 6) Access requirements. (40 CFR 258.25)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 7) Run-on/run-off control system. (40 CFR 258.26)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 8) Surface water requirements. (40 CFR 258.27)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 9) Liquids restrictions. (40 CFR 258.28)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- 10) Recordkeeping requirements. (40 CFR 258.29)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- IV. SUBPART D: Design criteria (40 CFR 258.40)
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

- IV. SUBPART E: Groundwater Monitoring and Corrective Action
- 811.103, 811.401, 811.501, and 811.700. EL(2): Section 814.302 and 814.402.

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- 1) Applicability.
 - 1) NL(1): 35 Section 811.319 (a)(1), EL(2): Sections 814.302 and 814.402.
- 2) Groundwater monitoring systems.
 - 2) NL(1): Sections 811.318 and 811.320(b), EL(2): Sections 814.302 and 814.402.
- 3) Groundwater sampling and analysis. (40 CFR 258.53)
 - 3) NL(1): Section 811.318(e), 811.320(d), 811.320(e), EL(2): Sections 814.302 and 814.402.
- 4) Detection monitoring program. (40 CFR 258.54)
 - 4) NL(1): Section 811.319(a), EL(2): Sections 814.302 and 814.402.
- 5) Assessment monitoring program. (40 CFR 258.55)
 - 5) NL(1): Section 811.319(b), EL(2): Sections 814.302 and 814.402.
- 6) Assessment of corrective measures. (40 CFR 258.56)
 - 6) NL(1): Sections 811.319(d) and 811.324, EL(2): Sections 814.302 and 814.402.
- 7) Selection of remedy. (40 CFR 258.57)
 - 7) NL(1): Sections 811.319(d) and 811.325, EL(2): Sections 814.302 and 814.402.
- 8) Implementation of the corrective action program (40 CFR 258.58)
 - 8) NL(1): Sections 811.319(d) and 811.325, EL(2): Sections 814.302 and 814.402.

VI. SUBPART F: Closure and Post-Closure Care

- 1) Closure criteria. (40 CFR 258.60)
 - 1) NL(1): Sections 811.110, 811.315 and 811.322, EL(2): Section 814.302 and 814.402.
- 2) Post-closure care requirements. (40 CFR 258.61)
 - 2) NL(1): Section 811.111, EL(2): Sections 814.302 and 814.402.

VII. SUBPART G: Financial Assurance Criteria

- 1) Applicability and effective date. (40 CFR 258.70)
 - 1) NL(1): Section 811.700, EL(2): Sections 814.302 and 814.402.

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- 2) Financial assurance for closure. (40 CFR 258.71)
 - 2) NL(1): Sections 811.701 through 811.705, EL(2): Sections 814.302 and 814.402.
 - 3) Financial assurance for post-closure. (40 CFR 258.72)
 - 3) Same as (2).
 - 4) Financial assurance for corrective action. (40 CFR 258.73)
 - 4) Same as (2).
 - 5) Allowable mechanisms. (40 CFR 258.74 and 258.75 258.75)
 - 5) NL(1): Section 811.706 through 811.717 811.715, EL(2): Sections 814.302 and 814.402.
- 1 - NL: New Landfill; 2 - EL: Existing Landfill and Lateral Expansions.
(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
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- 1) **Heading of the Part:** Hospital Services
- 2) **Code Citation:** 89 Ill. Adm. Code 148
- 3) **Section Numbers:** Proposed Action:
148.25 Amendment
- 4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [105 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments provide for a technical clarification concerning the definition of hospital relative to disproportionate share hospital adjustments in Section 148.25. These changes are necessary because of the consolidation of State human service agencies in the new Department of Human Services, which was created effective July 1, 1997. Since Section 148.25 provides definitions for hospital services that are integral to the reimbursement system, the rules must accurately reflect that hospitals operated by the Department of Mental Health and Developmental Disabilities are now under the authority of the Department of Human Services.

No budgetary effects are expected on the basis of these proposed amendments.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections Numbers	Proposed Action	Illinois Register Citation
148.295	Amendment	July 18, 1997 (21 Ill. Reg. 9401)
148.296	New Section	July 18, 1997 (21 Ill. Reg. 9401)
148.297	New Section	July 25, 1997 (21 Ill. Reg. 9712)
148.310	Amendment	August 1, 1997 (21 Ill. Reg. 10016)

- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

- 11) **Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF PUBLIC AID
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Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, IL 62763
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) **Initial Regulatory Flexibility Analysis:**

- A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** Hospitals
- B) **Reporting, bookkeeping or other procedures required for compliance:** None
- C) **Types of professional skills necessary for compliance:** None

- 13) **Regulatory agenda on which this rulemaking was summarized:** This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16350, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; amended at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13722, effective November 27, 1996; amended at 21 Ill. Reg. 15722, effective January 21, 1997; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8396, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10477, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

Section 148.25 Definitions and Applicability

a) Payment for hospital inpatient, hospital outpatient and hospital clinic services shall be made only to a hospital or a distinct part hospital unit as defined in this Section.

b) The term "hospital" means:

- 1) For the purpose of hospital inpatient reimbursement, any institution, place, building, or agency, public or private, whether organized for profit or not-for-profit, which is located in the State and is licensed or certified by the Illinois Department of Public Health under the Hospital Licensing Act or any institution, place, building or agency, public or private, whether organized for profit or not-for-profit, which meets all comparable conditions and requirements of the Hospital Licensing Act in effect for the state in which it is located. In addition, unless specifically indicated otherwise, for the purpose of inpatient reimbursement, the term "hospital" shall also include:
 - A) County-owned hospitals, meaning all county-owned hospitals that are located in an Illinois county with a population of over 3 million.

B) A hospital organized under the University of Illinois Hospital Act.

C) A hospital unit that is adjacent to or on the premises of the hospital and licensed under the Hospital Licensing Act or the University of Illinois Hospital Act.

2) For the purpose of hospital outpatient reimbursement, the term "hospital" shall, in addition to the definition described in subsection (b)(1) above, include an encounter rate hospital. An

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encounter rate hospital is defined as:
 A) An Illinois county-owned hospital located in a county with a population exceeding three million;
 B) A hospital organized under the University of Illinois Hospital Act; or
 C) A county-operated outpatient facility located in a county with a population exceeding three million that is also located in the State of Illinois.

3) For the purpose of non-hospital-based clinic reimbursement, the term "hospital" shall mean:

- A) A county-operated outpatient facility, as described in subsection (b)(2)(D) above; or
- B) A Certified Hospital Organized Satellite Clinic, as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and subsection (b)(5)(B) below.

4) For the purpose of hospital-based clinic reimbursement, the term "hospital" shall mean a hospital-based clinic meeting the provisions of 89 Ill. Adm. Code 140.461(f)(1)(B) and subsection (b)(5)(B) below.

5) For the purpose of Healthy Moms/Healthy Kids reimbursement, as described in 89 Ill. Adm. Code 140.464 and Section 148.140(D)(6), the term "Healthy Moms/Healthy Kids managed care clinic" shall mean a clinic meeting the requirements of 89 Ill. Adm. Code 140.461(f). The following four categories of Healthy Moms/Healthy Kids managed care clinics are recognized under the Healthy Moms/Healthy Kids Program, as described in 89 Ill. Adm. Code 140, Subpart G:

- A) Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A);
- B) Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B);
- C) Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C); and
- D) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D).

6) For the disproportionate share hospital adjustments, the term "hospital" shall, in addition to the definition in subsection (b)(1) above, mean include the facilities that the Department of Human Services, including facilities that Mental-Health-and-Developmental-Disabilities-which are accredited by the Joint Commission on Accreditation of Health Organizations (JCAHO).

c) For the purpose of hospital inpatient reimbursement, the term "distinct part hospital unit" means a hospital, as defined in subsection (b)(1) above, that meets the following qualification(s):

- 1) Distinct part Psychiatric Units. A distinct part psychiatric unit is a hospital, with a functional psychiatric unit, that is enrolled with the Department to provide inpatient psychiatric services (category of service 21).

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- 2) Distinct Part Rehabilitation Units. A distinct part rehabilitation unit is a hospital, with a functional rehabilitation unit, that is enrolled with the Department to provide inpatient rehabilitation services (category of service 22).
- d) A major teaching hospital is defined as a hospital having four or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post - Doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation. Except, in the case of a hospital devoted exclusively to physical rehabilitation, as defined in 89 Ill. Adm. Code 149.50(c)(2), or in the case of a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), only one certified program is required to be so classified.
- e) As provided in subsection (d) above, a teaching hospital is defined as a hospital having at least one of no more than three, graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- f) A non-teaching hospital is defined as:

- 1) A hospital that reports teaching costs on the Medicare or Medicaid cost reports but has no graduate medical education programs; or
- 2) A hospital that reports no teaching costs on the Medicare or Medicaid cost reports and that has no graduate medical education programs.
- g) Definitions. Unless specifically stated otherwise, the definitions of terms used in Sections 148.130, 148.260, 148.270, and 148.280, and in 89 Ill. Adm. Code 149 are as follows:

- 1) "Base period" means the two most recent cost report years for which audited cost reports are available for at least 90 percent of reporting hospitals.

- 2) "Rate year" means:
- A) For admissions, or if applicable, dates of service, on or after October 1, 1992, and on or before March 31, 1994, the eighteen month period beginning on October 1, 1992, and ending on March 31, 1994.

- B) Beginning with admissions, or if applicable, dates of service, on or after April 1, 1994, the period beginning 90 days after the effective date of DRG PPS rates under the federal Medicare Program and ending 90 days after any subsequent DRG PPS rate change under the federal Medicare Program.

- 3) "Rural hospital" means a hospital that is:

- A) Located:
- 1) Outside a metropolitan statistical area; or

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- i) Located 15 miles or less from a county that is outside a metropolitan statistical area and that is licensed to perform medical/surgical or obstetrical services and has a combined approved total bed capacity of 75 or fewer beds in these two service categories as of the effective date of P.A. 88-88 (July 14, 1993), as determined by the Illinois Department of Public Health.
- B) The Illinois Department of Public Health must have been notified in writing of any changes to a facility's bed count on or before the effective date of P.A. 88-88 (July 14, 1993).
- 4) "Urban hospital" means a hospital that is located in a metropolitan statistical area that does not meet the criteria described in subsection (g)(3) above.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
140-170 Proposed Action:
140-171 Amendment
140-172 Amendment
140-173 Amendment
140-174 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13)
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules concerning home health agency (HHA) services are being made in response to policy changes of the Health Care Financing Administration (HCFA). According to these changes, Medicare certifiable HHAs that do not provide services to Medicare clients will be able to enroll in the Medical Assistance Program and provide services to Medicaid clients. Currently, Medicare certification is required for providers of HHA services wishing to enroll in the Medicaid Program. The initial surveys to establish Medicare certification are conducted by staff of the Department of Public Health, but funded by HCFA. However, because of the limited resources of HCFA in interpreting these requirements to allow HHAs that provide services to Medicaid clients to become Medicare eligible to be designated as "Medicare certifiable" according to DPH. Such surveys conducted by DPH will be funded by the HHA providers.
- These proposed rule changes may result in an increase in the number of HHAs providing Medicaid services, and a decreased utilization of more costly care environments. Reimbursement levels for HHA services will not change. Therefore, these proposed amendments are not expected to result in any significant budgetary changes.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data,

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views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Department of Public Aid
201 South Dearborn Street, 3rd Floor
Springfield, IL 62763
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These entities shall indicate their comments on small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Home Health Agencies
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: this rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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140-361 Non-Participating Hospitals (Recodified)
 140-362 Pre July 1, 1969 Services (Recodified)
 140-363 Post June 30, 1969 Services (Recodified)
 140-364 Reimbursement Review (Recodified)
 140-365 Reimbursement Review (Recodified)
 140-366 Restructuring Adjustment (Recodified)
 140-367 Inflation Adjustment (Recodified)
 140-368 Volume Adjustment (Recodified)
 140-369 Groupings (Recodified)
 140-370 Rate Calculation (Recodified)
 140-371 Payment (Recodified)
 140-372 Review Procedure (Recodified)
 140-373 Utilization (Recodified)
 140-374 Alternatives (Recodified)
 140-375 Exemptions (Recodified)
 140-376 Utilization, Case-Mix and Discretionary Funds (Recodified)
 140-377 Substance Alcoholism and Substance Abuse Services (Recodified)
 140-378 Definitions (Recodified)
 140-379 Types of Substance Alcoholism and Substance Abuse Services (Recodified)
 140-380 Payment for Substance Alcoholism and Substance Abuse Services (Recodified)
 140-381 Rate Schedules for Substance Alcoholism and Substance Abuse Services (Recodified)
 140-382 Hearings (Recodified)
 140-394
 140-396
 140-398

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140-400 Payment to Practitioners, Nurses and Laboratories
 140-401 Physicians' Services
 140-411 Covered Services By Physicians
 140-412 Services Not Covered By Physicians
 140-413 Limitation on Physician Services
 140-414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140-416 Optometric Services and Materials
 140-417 Limitations on Optometric Services
 140-418 Department of Corrections Laboratory
 140-420 Dental Services
 140-421 Limitations on Dental Services
 140-422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Podiatry Services
 140-425 Podiatry Services
 140-426 Limitations on Podiatry Services
 140-427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140-428 Chiropractic Services

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140-429 Limitations on Chiropractic Services (Repealed)
 140-430 Independent Laboratory Services
 140-431 Services Not Covered by Independent Laboratory
 140-432 Limitations on Independent Laboratory Services
 140-433 Payment for Laboratory Services
 140-434 Record Requirements for Independent Laboratories
 140-435 Private Services
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140.575	Newly Constructed Facilities (Repealed)
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 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

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 140.850 General Description (Repealed)
 140.851 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Reimbursement Methodology (Repealed)
 140.896 Reimbursement of Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
 140.901 Functional Areas of Needs (Repealed)
 140.902 Service Needs (Repealed)
 140.903 Definitions (Repealed)

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140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reimbursement Procedures (Repealed)
 140.907 Midnight On-call Report (Repealed)
 140.908 Times and Staff Levels (Repealed)
 140.909 Statewide Rates (Repealed)
 140.910 Referrals (Repealed)
 140.911 Basic Rehabilitation Aide Training Program (Repealed)
 140.912 Interim Nursing Rates (Repealed)
 140.920 General Description
 140.922 Covered Services
 140.924 Maternal and Child Health Provider Participation Requirements
 140.926 Client Eligibility (Repealed)
 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Repealed)
 140.942 Definition of Terms (Repealed)
 140.944 Notification of Negotiations (Repealed)
 140.946 Hospital Participation in ICARE Program Negotiations (Repealed)
 140.948 Negotiation Procedures (Repealed)
 140.950 Factors Considered in Awarding ICARE Contracts (Repealed)
 140.952 Closing an ICARE Area (Repealed)
 140.954 Administrative Review (Repealed)
 140.956 Payments to Contracting Hospitals (Repealed)
 140.958 Admitting and Clinical Privileges (Repealed)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Repealed)
 140.964 Contract Monitoring (Repealed)
 140.966 Transfer of Recipients (Repealed)
 140.968 Termination of Contracts (Repealed)
 140.970 Termination of ICARE Contracts (Repealed)
 140.972 Hospital Services Procurement Advisory Board (Repealed)

TABLE A: Medicheck Recommended Screening Procedures (Repealed)

TABLE B: Geographic Areas

TABLE C: Capital Cost Areas

TABLE D: Schedule of Dental Procedures

TABLE E: Time Limits for Processing of Prior Approval Requests

TABLE F: Podiatry Service Schedule

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at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17868, effective October 12, 1988; amended at 12 Ill. Reg. 18198, effective November 6, 1988; amended at 12 Ill. Reg. 18366, effective November 12, 1988; amended at 12 Ill. Reg. 17374, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3511, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 11, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; amended at 13 Ill. Reg. 15472, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16927, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective September 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15988, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 19508, effective October 30, 1990; amended at 14 Ill. Reg. 19813, effective November 6, 1990;

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amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6270, effective April 18, 1991; amended at 15 Ill. Reg. 8264, effective May 13, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 9011, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 1315, effective July 25, 1991, for a maximum of 150 days; emergency expired December 29, 1991; amended at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 12992, effective August 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13173, effective September 12, 1991; amended at 15 Ill. Reg. 13687, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16718, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13341, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13581, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17302, effective November 17, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 11, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20595, effective November 24, 1993; emergency amendment

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repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16677, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective April 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995; amended at 19 Ill. Reg. 5683, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 6455, effective June 5, 1995; amended at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5958, effective April 5, 1996; amended at 20 Ill. Reg. 6289, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9312, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective December 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 2, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.470 Home Health Services

Payment may be made for home health care services provided by:

- a) A Medicare-certified home health agency;
- b) A home health agency certified by the Department of Public Health as Medicare certifiable or as meeting the requirements of Medicare;
- c) A self-employed nurse who is licensed as a registered nurse, when there is no home health agency in the area available to provide needed services;
- d) A qualified physical speech or occupational therapist who meets the

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following requirements:

- 1) Physical therapist therapist - must be certified by the Council of Medical Education of the American Medical Association and registration with the appropriate authority as required in the State of practice;
- 2) Speech therapist - must be certified by the American Speech and Hearing Association;
- 3) Occupational therapist - must be registered with the American Occupational Therapy Association, or

§147 A community health agency.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 140.472 Home Health Covered Services

Short term, intermittent, home health services are provided for clients in their places of residence and are aimed at facilitating the transition from a more acute level of care to the home. Services provided shall be of a curative or rehabilitative, curative/rehabilitative nature and demonstrate progress toward short term goals outlined in a plan of care. Services shall be provided for homebound individuals upon direct order of a physician and in accordance with a plan of care established by the physician and reviewed at least every 60 days.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 140.472 Types of Home Health Services

a) The types of services for which payment can be made are:

- 1) Skilled Nursing
 - 2) Home Health Aid
 - 3) Occupational Therapy
 - 4) Occupational Therapy
 - 5) Physical Therapy
- b) Home health agencies may provide covered services for which they are certified by Medicare or have been designated as Medicare certifiable by the Department of Public Health. In addition, they may provide medical equipment and appliances if it is the agency's usual and customary practice to provide such items as part of the per visit charge.
- c) In the absence of a qualified Medicare-certified agency in the area, self-employed, registered nurses may provide nursing services within the scope of their practice, as defined by the Illinois Nurse Practice Act or, in other States, by comparable authority.
- d) Independent therapists may provide services for which they are qualified. Community health agencies may provide services for which

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they have been approved by the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 140.474 Payment for Home Health Services

a) Home health agencies shall be paid an all inclusive, per visit rate which shall be the lowest of:

- 1) the agency's usual charge for the service;
- 2) the agency's Medicare rate; or
- 3) a statewide flat rate based on the an upper limit established by the Department at the 90th percentile of approved Medicare rates for home health agencies in Illinois all-agencies-participating in-the-program.

b) Payment to self-employed registered nurses providing in-home nursing services is subject to the community rate for such services as determined by the Department at the time prior approval is given.

c) Payment to independent therapists and community health agencies shall be at the provider's usual and customary charge, not to exceed the maximum established by the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

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1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Number: 1600.110
Proposed Action: New Section
New Section 1600.110

4) Statutory Authority: Implementing and authorized by 40 ILCS 5/15-177, 5 ILCS 120, and 5 ILCS 140

5) A. Complete Description of the Subjects and Issues Involved: Adds 2 new Sections:

Section 1600.100 Rule implementing Freedom of Information Act

Section 1600.110 Rule implementing Open Meetings Act

6) Will these proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic renewal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Interested person may submit written comments and views to:

Judith A. Parker, Deputy Director
 State Universities Retirement System
 102, Room 2710
 Chicago, IL 60625-2710
 (217) 378-8800

All comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: SURS believes that this rulemaking will not impose any direct impact on small businesses, small municipalities or

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Information.

- 2) The Act is not intended to create an obligation on the part of SURS to maintain a record or public record which was not previously maintained by SURS when the Act became effective (July 1, 1984), except as otherwise required by applicable State or Federal law. [5 ILCS 140/11]
- 4) By means of this rule, SURS has established procedures to conduct its business in accordance with the Freedom of Information Act definitions.
- b)
 - 1) "Copying" - The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device, or means. [5 ILCS 140/21]
 - 2) "Freedom of Information Officer" - The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information under the Freedom of Information Act and is also responsible for maintaining all records required to be kept under that Act and this Section. The Freedom of Information Officer shall be the Associate Executive Director.
 - 3) "Person" - Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.
 - 4) "Public Records" - All records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilm, sound recordings, electronic data processing materials, records, recordings, and all other documentary materials, regardless of physical form or characteristics, having been prepared or having been or being used, received, processed or under the control of any public body, unless exempt under subsection (f). "Public records" includes, but is expressly not limited to:
 - A) Administrative manuals, procedural rules, and instructions adopted by SURS.
 - B) Final opinions and orders made in the adjudication of cases.
 - C) Substantive rules.
 - D) Statements and interpretations of policy which have been adopted by SURS.
 - E) Final planning policies, recommendations, and decisions.
 - F) Factual reports, inspection reports, and studies, whether prepared by or for SURS.
 - G) All information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of SURS.
 - H) The names, salaries, titles, and dates of employment of all employees and officers of SURS.
 - I) Materials containing opinions concerning the rights of the State, the public, a subdivision of State or a local government, or of any private persons.
 - J) The name of every person and the final records of voting in all proceedings of SURS.

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- K) Applications for any contract, permit, grant, or agreement.
- L) Each report, document, study, or publication prepared by independent consultants or other independent contractors for SURS.
- M) Information relating to any grant or contract made by or between SURS and another public body or private organization. [5 ILCS 140/21]
- N) All other information required by law to be made available for public inspection or copying.
- c) Dissemination of information about SURS.
 - 1) SURS shall prominently display at each of its offices, make available for inspection and copying, and send through the mail, if requested, each of the following:
 - A) A brief description of itself, including but not limited to:
 - 1) A short summary of its purpose.
 - 2) A block diagram giving its functional subdivisions.
 - 3) The total amount of its operating budget.
 - 4) The number and location of all of its separate offices.
 - 5) The approximate number of full and part-time employees.
 - 6) The identification and membership of the Board of Trustees and the various committees created by the Board.
 - 2) A brief description of the methods whereby the public may request information and public records, a directory designating by title and address those employees who are authorized to receive and disseminate information requested by the public, and a list of the Freedom of Information Act. [5 ILCS 140/41]
 - 2) List of records available from SURS.
 - 1) SURS shall maintain and make available for inspection and copying a reasonably detailed and reasonably current list of all types or categories of records under its control.
 - 2) SURS shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format. [5 ILCS 140/51]
- e) Fees.
 - 1) Imposition of Fee.
 - A) SURS may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records. SURS may also charge fees for the use, by any person, of its equipment to copy records.
 - B) Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided.
 - C) Such fees shall be imposed according to a standard scale of fees established and made public by SURS. [5 ILCS 140/61]
 - 2) Waiver of Fee.

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- A) Documents shall be furnished without charge or at a reduced charge, as determined by the Freedom of Information Officer, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest, and if the Freedom of Information Officer determines that a waiver or reduction of the fee is in the public interest. In setting the amount of a waiver or reduction, the Freedom of Information Officer may take into consideration the amount of materials requested and the public interest in the release of the materials.
- 3) Waiver or reduction of the fee is in the public interest if the principal purpose of the request is not for personal or commercial benefit, but the principal purpose is:
- A) To access and disseminate information regarding the health, safety, and welfare of the general public; or
- B) To access and disseminate information regarding the legal rights of the general public. [5 ILCS 140/7(1)(g)]
- E) Exemptions. The following public records shall be exempt from inspection and copying:
- 1) Information specifically prohibited from disclosure by Federal or State law, or by rules and regulations adopted under Federal or State law. [5 ILCS 140/7(1)(a)]
 - 2) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure of the information can be shown to be in the public interest. This disclosure of information that bears on the public duties of the SUNS Board of Trustees and SUNS employees shall not be considered an invasion of personal privacy. Information exempted under this subsection (f)(2) shall include, but is not limited to:
 - A) Files and personal information maintained with respect to participants, annuitants, and beneficiaries participating in or receiving benefits from SUNS; and
 - B) Personnel files and personal information maintained with respect to employees of SUNS and any applicants for positions with SUNS. [5 ILCS 140/7(1)(b)]
 - 3) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the Executive Director. [5 ILCS 140/7(1)(c)]
 - 4) Information released solely to the internal personnel rules and regulations of SUNS. [5 ILCS 140/7(1)(d)]
 - 5) Minutes or Subcommittees of the Board of Trustees of SUNS and subsidiary committees thereof closed to the public as provided in the Open Meetings Act. [5 ILCS 120] until the Board of Trustees makes the minutes available to the public under Section 2.06 of the Open Meetings Act. [5 ILCS 140/7(1)(m)]

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- 6) Communications between SUNS and an attorney or auditor representing SUNS that would not be subject to discovery in litigation and materials prepared or compiled by or for SUNS in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising SUNS, and materials prepared or compiled with respect to internal audits of SUNS. [5 ILCS 140/7(1)(n)]
- 7) Drafts, notes, recommendations and memoranda pertaining to the financial and marketing transactions of SUNS. [5 ILCS 140/7(1)(o)]
- 8) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including information concerning the end use of the information. [5 ILCS 140/7(1)(p)]
- 9) Information that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, but is not exempt under 120 ILCS 700/4.002. Nothing contained in this subsection (f)(8) shall be construed to prevent a person or business from consenting to disclosure. [5 ILCS 140/7(1)(q)]
- 9) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with SUNS, until an award or final selection is made. Information prepared by or for SUNS in preparation of a bid solicitation shall be exempt until an award or final selection is made. [5 ILCS 140/7(1)(r)]
- 10) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file formats, source listings, online modified code, and data, used in the processing of information, including financial and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this subsection (f). [5 ILCS 140/7(1)(s)]
- 11) Valuable formulas, designs, drawings and research data obtained or produced by SUNS that when disclosed could reasonably be expected to produce private gain or public loss. [5 ILCS 140/7(1)(t)]
- 12) Documents or materials relating to collective negotiating matters between SUNS and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying. [5 ILCS 140/7(1)(u)]
- 13) Test questions, scoring keys and other examination data used to determine the qualifications of an applicant for employment. [5 ILCS 140/7(1)(v)]
- 14) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with

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- public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security. [5 ILCS 140/7(1)(4)]
- 15) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually reasonably contemplated real estate donation under the will of the decedent, the records, documents, and information relating to the parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated. [5 ILCS 140/7(1)(5)]
- 16) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. [5 ILCS 140/7(1)(t)]
- 17) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss, or risk management information, records, data, advice or communications. [5 ILCS 140/7(1)(bb)]
- 18) Firm performance evaluations under Section 35 of the Architectural, Engineering, and Land Surveying Qualifications Act [5 ILCS 35/3]. [5 ILCS 35/3]
- 19) Information relating to public records request procedures.
- 20) SURS shall make available to any person for inspection or copying all public records, except as otherwise provided in subsection (f), in accordance with this subsection (g). [5 ILCS 140/3] such records may be obtained from the Freedom of Information Officer at the principal office of SURS.
- 21) Subject to the fee provisions of subsection (e), SURS shall promptly provide, to any person who submits a written request, a copy of any public record required to be disclosed and shall certify such copy if so requested. [5 ILCS 140/3]
- 22) SURS shall promptly either comply with or deny a written request for public records within 7 working days after its receipt. Denial shall be by letter as provided in subsection (i). The failure of SURS to respond to a written request within 7 working days after its receipt shall be considered a denial of the request.
- 23) The time limits prescribed in subsection (g)(2) may be extended for more than 7 additional working days for any of the following reasons:
- other locations than the office having charge of the requested records;
 - the request requires the collection of a substantial number

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- of specified records;
 - the request is couched in categorical terms and requires an extensive search for the records responsive to it;
 - the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
 - the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under subsection (f) or should be revealed only with appropriate deletions;
 - the request for records cannot be complied with by SURS without the time limits prescribed by subsection (g)(2) without unduly burdening or interfering with the operations of SURS;
 - with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination of in the subject matter of the request.
- 3) Additional time. When additional time is required for any of the above reasons, SURS shall notify by letter the person making the written request, within the time limits specified by subsection (g)(3), of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than 7 working days. A failure to render a decision within 7 working days shall be considered a denial of the request.
- 4) Categorical exemption.
- Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for SURS, there is no way to narrow the request, and the burden on SURS outweighs the public interest in the information. Before invoking this exemption, SURS shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions.
 - If SURS responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of SURS. Such a response shall be treated as a denial of the request for the same public records.
 - Records requested from the same public records by the same person shall be deemed unduly burdensome under this provision. [5 ILCS 140/3]
- h) Nonexempt materials contained in exempt records.

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If any public record that is exempt from disclosure under subsection (c) contains any material which is not exempt, SURS shall delete the information which is exempt and make that remaining information available for inspection and copying in accordance with subsection (a). [5 ILCS 120/107]

1) Denial of request for public records - Notice.

1) When the Freedom of Information Officer denies a request for public records, it shall notify by letter the person making the request of the decision to deny such, the reasons for the denial, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of his right to appeal to the Executive Director. Each notice of denial of an appeal by the Executive Director shall inform such person of his right to judicial review.

2) When a request for public records is denied on the grounds that the records are exempt under subsection (1), the notice of denial shall specify, by cite to the specific statutory provision of the Freedom of Information Act, the exemption authorizing the denial. Copies of all notices of denial shall be retained by SURS in a single central office file that is open to the public and indexed according to the type of exemption asserted and to the extent feasible, according to the types of records requested. [5 ILCS 120/107]

3) Denial of request for public records - Appeals.

1) Any person denied access to inspect or copy any public record may appeal the denial by sending a written notice of the appeal to the Executive Director. Upon receipt of such notice the Executive Director shall promptly review the public record, determine whether under the provisions of this policy such record is open to inspection and copying, and notify the person making the appeal of such determination within 7 working days after the notice of appeal.

2) Any person making a request for public records shall be deemed to have exhausted his administrative remedies with respect to such request if the Executive Director affirms the denial or fails to act within the time limit provided in subsection (1)(1). [5 ILCS 120/101]

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1600.110 Open Meetings Act

a) Introduction.

1) The Illinois Open Meetings Act [5 ILCS 120] sets forth the public policy of the State of Illinois that public bodies exist to aid in the conduct of the people's business and that the people have

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a right to be informed as to the conduct of their business. It is also the public policy of the State that its citizens be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.

2) It is the intent of the Act:

- to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly;
- to protect the citizen's right to know; and
- that provisions for exemptions to the open meeting requirements be strictly construed against closed meetings.

[5 ILCS 120/11]

3) By means of this Section, SURS has established procedures to conduct its business in accordance with the Open Meeting Act.

b) Definitions.

- "Employee" - A person employed by SURS whose relationship with SURS constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor. [5 ILCS 120/101]

- Meetings and gathering of a majority of a quorum of the Board of Trustees for the purpose of discussing SURS business. [5 ILCS 120/107] Unless the Board sets a quorum in excess of 5 members, a gathering of 3 or more members of the Board of Trustees for the purpose of discussing SURS business shall be considered a meeting.

- Public body" - The Board of Trustees of SURS. All references to the Board of Trustees shall also encompass any committees of the Board where the context so requires.

- "Quasi-judicative body" - An administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon. [5 ILCS 120/101(d)] The Claims Committee shall be considered a quasi-judicative body.

c) Time and place of open meetings.

- All open meetings shall be held at specified times and places which are convenient and open to the public, unless the no open meeting shall be held on a legal holiday unless the regular meeting day falls on that holiday. [5 ILCS 120/101]

- Public notice, agenda, schedule.

 - Posting. Public notice shall be given by posting a copy of the notice at the principal office of SURS, 1901 Fox Drive, Champaign. Copies of the posted notice shall also be given to any news medium that has filed with the Executive Director of SURS an annual request for notice of meetings. [5 ILCS 120/102(a)]

- News medium request. Any news medium may file with the Executive Director of SURS an annual request for public notice of all meetings of the Board of Trustees of SURS. The Associate

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Executive Director shall maintain an updated list of all news media which have filed such annual requests and shall be responsible for seeing that such news media receive the notices mandated by the Open Meetings Act and by this policy.

- 3) Regular meetings. Public notice shall be given of the schedule of regular meetings at the beginning of each fiscal year, stating the regular dates, times, and places of each meeting.

4) Agenda. Public notice shall be given of the agenda for each regular meeting. Public notice shall be given of the agenda for each special meeting at least 48 hours in advance of the holding of the meeting. However, this requirement shall not preclude the consideration of items not specifically set forth in the agenda. [5 ILCS 120/2.02(a)]

- 5) Schedule of regular meetings. At the beginning of each fiscal year, the Executive Director of SURS shall prepare and make available a schedule of all its regular meetings for such fiscal year, listing the times and places of such meetings.

6) Change in regular meeting date. If a change is made in a regular meeting date, at least 10 days' notice of such change shall be given by publication in the official State newspaper. Notice of such change shall also be posted at the principal office of SURS, 1901 Fox Drive, Champaign. Notice of such change shall also be given to any news medium that has filed with the Executive Director of SURS an annual request for notice of such meetings. [5 ILCS 120/2.03]

- 7) Special meetings. Public notice of any special meeting shall be given at least 48 hours before such meeting.

8) Agenda of special meetings. An agenda of a special meeting shall also be included with the public notice of such meeting. However, the validity of any action taken by the Board of Trustees which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]

- 9) News medium notice. Any news medium which has filed an annual request for notice shall be given the same notice of any special meeting in the same manner as is given to members of the Board of Trustees, provided that such news medium has given the Executive Director of SURS an address or telephone number within Illinois at which such notice may be given. [5 ILCS 120/2.02(b)]

- 10) Rescheduled or reconvened meetings. Public notice of any rescheduled or reconvened meeting shall be given at least 48 hours before such meeting.

11) Exemption to notification requirement. No public notice is required to notification of any reconvened meeting where the meeting was open to the public and either:

- 1) such meeting is to be reconvened within 24 hours; or

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1) An announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda. [5 ILCS 120/2.02(a)]

- 2) Agenda of rescheduled or reconvened meeting. An agenda of a rescheduled or reconvened meeting shall also be included with the public notice of such meeting. However, the validity of any action taken by the Board of Trustees which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. [5 ILCS 120/2.02(a)]

3) News medium notice. Any news medium which has filed an annual request for notice shall be given the same notice of any rescheduled or reconvened meeting in the same manner as is given to members of the Board of Trustees, provided that such news medium has given the Executive Director of SURS an address or telephone number within Illinois at which such notice may be given. [5 ILCS 120/2.02(b)]

- 4) Emergency meeting. Notice of an emergency meeting shall be given as soon as is practicable to an emergency meeting, and to any news medium which has filed an annual request for notice. [5 ILCS 120/2.02(a)] Any news medium which has filed an annual request for notice shall be given the same notice of any emergency meeting in the same manner as is given to members of the Board of Trustees, provided that such news medium has given the Executive Director of SURS an address or telephone number within Illinois at which such notice may be given. [5 ILCS 120/2.02(b)]

e) Recording meeting.

- 1) Any person may record by tape, film or other means the proceedings at any open meeting, subject to such rules as may be prescribed by the Board of Trustees, and subject to subsection (e)(2) and subsection (e)(3). [5 ILCS 120/2.05]

- 2) No person may record the proceedings at any open meeting in violation of Article VIII, Part 7 of the Code of Civil Procedure [735 ILCS 5/7-701].

- 3) If any witness at any meeting required to be open under the Open Meetings Act refuses to testify on the grounds that he should not be compelled to testify, the testimony of his or her associates by audio or video recording or if motion pictures are to be taken then the authority holding the meeting shall prohibit any such recording during the testimony of the witness, to the extent of subsection (e)(2). [5 ILCS 120/2.05]

f) Closed meetings.

- 1) Subject. The Board of Trustees may hold closed meetings to consider the following subjects:

A) The appointment, employment, compensation, discipline, performance or dismissal of specific employees of SURS, including hearing testimony on a complaint lodged against an

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- employee to determine its validity [5 ICS 120/2(c)(1)]:
- B) Collective negotiating matters between SURS and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees [5 ICS 120/2(c)(2)];
 - C) Evidence or testimony presented in open hearing, or in closed hearing, were specifically authorized by law, to a third-party objective body, provided that the body prepares and submits a written report on the hearing, and the body's decision setting forth its determinative reasoning [3 ICS 120/2(c)(4)];
 - D) The purchase or lease of real property for the use of SURS [5 ICS 120/2(c)(5)];
 - E) The setting of a price for sale or lease of real property owned by SURS [5 ICS 120/2(c)(6)];
 - F) The sale or purchase of securities, investments, or investment contracts [5 ICS 120/2(c)(7)];
 - G) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, staff, or public property, provided that a description of the actual danger shall be made a part of the motion to close the meeting [5 ICS 120/2(c)(8)];
 - H) Litigation, when an action against, affecting or on behalf of SURS has been filed and is pending before a court or administrative tribunal, or when the Board of Trustees finds that such litigation is probable or imminent, in which case the basis for the finding shall be entered into the minutes of the closed meeting [5 ICS 120/2(c)(11)];
 - I) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which SURS is a member [5 ICS 120/2(c)(16)];
 - J) The classification and discussion of matters classified as confidential or continued confidential by the State Employees Negotiation Award Board (see 20 ICS 405/67.28) [5 ICS 120/2(c)(20)]; and
 - K) Discussion of minutes of closed meetings, whether for purposes of approval by the Board of Trustees of the minutes, or for purposes of semi-annual review of the minutes [5 ICS 120/2(c)(21)].
- 2) Procedure.
- A) Vote. Upon the majority vote of a quorum present of the Board of Trustees at an open meeting, the Board may hold a meeting closed to the public or may close a portion of a meeting, their public, the motion to close a meeting, or a portion thereof, shall be made a part of the minutes of the examination set forth in Section 2 of this notice. Section 140 ICS 120/2(c). The vote of each member shall be taken by roll call vote, shall be publicly disclosed, and shall be

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- recorded and entered into the minutes of the meeting.
- B) Subject. Only topics specified in the vote to close may be considered during the closed meeting.
 - C) Series of meetings. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months after the vote. [5 ICS 120/2a]
- 3) Minutes of meetings.
- I) Open meetings.
 - A) Content. The Board of Trustees shall keep written minutes of all open meetings. The minutes shall include:
 - ii) the date, time and place of the meeting;
 - iii) the members of the Board recorded as either present or absent; and
 - iii) a summary of discussion on all matters discussed, deliberated, or decided, and a record of any votes taken.
 - B) Public inspection. The minutes of any open meeting shall be available for public inspection within 7 days after the approval of such minutes by the Board of Trustees.
 - 2) Closed meetings.
 - A) Content. The Board of Trustees shall keep written minutes of all closed meetings. The minutes shall include:
 - ii) the date, time and place of the meeting;
 - iii) the members of the Board recorded as either present or absent; and
 - iii) a summary of discussion on all matters discussed, deliberated, or decided, and a record of any votes taken.
 - B) Public inspection. The minutes of any closed meeting shall be available for public inspection only after the Board of Trustees determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping such minutes confidential.
 - C) Semi-annual review. The Board of Trustees shall semi-annually review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session, that either:
 - ii) the need for confidentiality still exists as to all or a part of those minutes; or
 - iii) the minutes or portions thereof no longer require confidential treatment and are available for public inspection. [5 ICS 120/2.06(c)]
- (Source: Added at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: State Agency Accounts Receivable

2) Code Citation: 74 Ill. Adm. Code 910

3) Section Numbers: Adopted Action:

910.10	New
910.20	New
910.30	New
910.40	New
910.50	New
910.60	New

4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois State Collection Act of 1986 [30 ILCS 210/8].

5) Effective Date of Rule: August 15, 1997

6) Does this rulemaking contain an automatic renewal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 15, 1997

9) Notice of Proposal Published in Illinois Register: February 7, 1997, 21 Ill. Reg. 1494

10) Has JCPR issued a Statement of Objections to this Rule? No

11) Differences between Proposal and final version:

Section 910.30(a). Replaced "Comptroller's Uniform Statewide Accounting System (CUSAS) Manual" with "Comptroller's Statewide Accounting Management System (SMS)".

Rewrote Section 910.30(c)(1)(B) to read: "If an agency believes that it is in the best interests of the State to accept, as part of its collection efforts, payment plans for terms in excess of 3 years, and the agency collection procedures have not been approved by the Board pursuant to subsection (C)(2)(A)(i) below, it must seek the Board's specific authorization for such payment plans."

Section 910.50(d). Deleted the words "and initiate bad debt write-off procedures".

Section 910.60(a). Added the following sentence: "The format shall include, but not be limited to, name of agency and revenue source; nature of receivable, age, and dollar amount of receivables."

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Rewrote Section 910.60(b) to read: "The format for State agencies to demonstrate that receivables should not be subject to the Board's jurisdiction pursuant to Section 910.30(c). The format shall include, but not be limited to, a detailed description of the agency's collection procedures, the extent to which last offer payment plans are used, and citations to any statutes or regulations which apply to the agency's collection efforts."

Several minor editing changes were made.

12) Have all the changes aired upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes

13) Will this rule replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: This Part will implement provisions in P.A. 89-311. Specifically, this Part will establish timetables, criteria and procedures for the Debt Collection Board's assumption of responsibility for agency accounts receivable that have not been collected by the agency.

16) Information and questions regarding this adopted rule shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
TDD (217)785-3979

The full text of the Adopted Rules begin on the next page:

DEBT COLLECTION BOARD

NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER VIII: DEBT COLLECTION BOARD

PART 910

STATE AGENCY ACCOUNTS RECEIVABLE

Section

910.10 Scope

910.20 Definitions

910.30 Assumption of Jurisdiction by Board

910.40 Agency Referrals

910.50 Actions by Board

910.60 Format; Board Procedures

AUTHORITY: Implementing and authorized by Section 8 of the Illinois State
Collection Act of 1986 [30 ILCS 210/8].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 910.10 Scope

This Part is to implement Public Act 89-511 and set forth when and how the Debt
Collection Board assumes jurisdiction over State agency accounts receivable.

Section 910.20 Definitions

- a) For purposes of this Part, "State agency" shall have the meaning found in the Illinois State Auditing Act.
- b) For purposes of this Part, "State agency account receivable", "account(s) receivable", or "receivable(s)" shall mean amounts due a State agency from non-State agency entities which are legally collectible, but have not been lawfully certified as uncollectible and for which there is no legal barrier to referral to the Board for recovery. Amounts due the General Assembly, the Supreme Court and the several courts of this State and the constitutionally elected State Officers are included only if they elect to have such receivables subject to the Board's jurisdiction. The definition shall not include:

- 1) amounts less than \$100 (NOTE: Nothing in this Part prohibits agencies from referring receivables to the Board in amounts less than \$100.);
- 2) amounts due the Illinois Student Assistance Commission under the student loan program.

Section 910.30 Assumption of Jurisdiction by Board

- a) Accounts receivable which are more than 180 days old will

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automatically be subject to the Board's jurisdiction unless the applicable State agency attests that the accounts fall into one of the categories set forth in subsection (c) of this Section. During the initial 180 day period the agency should pursue its own internal collection procedures. Standards for initiating collection are set forth in Section 26.40.10 of the Comptroller's Statewide Accounting Management System (SAMS). Collection procedures should include steps such as a reasonable written billing cycle, telephone contacts, personal contacts through agency collectors, and wherever possible, referral to private collection vendors.

b) For purposes of this Part, the 180 day period begins to run on the day the receivable becomes enforceable. The beginning date used to calculate the 180 day period for debtors having multiple debts will be established by the agency based on procedures approved by the Board.

c) The Board will not assume jurisdiction over receivables more than 180 days old if:

- 1) The receivables are subject to an acceptable installment payment plan.
- A) Such a plan should provide for repayment of the entire remaining balance due together with applicable interest over a period not to exceed 3 years. If no interest rate is specified by law, the agency should require the use of simple interest at the judgment rate of 9% per year.
- B) If an agency believes that it is in the best interests of the State to accept, as part of its collection efforts, payment plans for terms in excess of 3 years, and the agency collection procedures have not been approved by the Board pursuant to subsection (c)(1), it must seek the Board's specific authorization for such payment plans.
- C) Receivables subject to an acceptable installment payment plan which are delinquent under that plan for more than 90 days automatically become subject to the Board's jurisdiction unless the receivables are subject to subsection (c)(2), (3), (4) or (5) below.
- 2) The Board determines, based on information provided by the agency:
 - A) That:
 - i) the receivables are currently the subject of ongoing collection efforts by the agency pursuant to collection procedures approved by the Board; and
 - ii) in light of such collection efforts, it would not be in the State's best interest for the Board to assume jurisdiction over such receivables.
 - B) Factors to be considered by the Board to determine whether an agency's collection procedures should be approved include:
 - i) the statutory and regulatory methods available to the agency for use in collecting its receivables;

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- ii) whether the agency has been using such methods, as well as applicable methods described in subsection (a) above, to collect its receivables as expeditiously as possible;
 - iii) the number of agency staff dedicated to collection of accounts receivable;
 - iv) the volume of agency receivables;
 - v) the agency's historical percentage rate of collections;
 - vi) the level of automation of the agency's collection system.
- c) If the Board approves an agency's collection procedures pursuant to subsection (c)(2)(A)(i), future receivables (or categories of receivables) subject to ongoing collection efforts pursuant to such procedures need not be submitted to the Board for exemption.
- d) The Board may periodically request an agency to submit information concerning its collection procedures. If, based on such information, the Board determines that an agency's collection procedures are no longer appropriate, approving such procedures may be withdrawn and the Board retains jurisdiction over the agency's receivables more than 180 days old.
- 3) The receivables are currently the subject of an ongoing wage levy whether that levy is the result of a judgment entered in circuit court or an administrative levy issued without judgment.
 - 4) The receivables are currently the subject of litigation being pursued in the State of Illinois through the Office of the Attorney General, State's Attorneys' Offices or, where authorized by the Attorney General, by private counsel retained on behalf of the agency.
 - 5) The receivables have been referred to a private collection vendor by the agency and the receivables have been with that vendor for 60 days or less. Agency contracts with private collection vendors entered into after the effective date of this rulemaking should provide that receivables referred to the vendor for which there have been no payments or other activity should be returned to the agency after 90 days.
 - 6) Receivables subject to one of the exceptions listed in subsection (c)(2), (3), (4) or (5) above shall automatically be subject to the Board's jurisdiction 60 days after the agency has ceased ongoing collection efforts (other than those referenced in subsection (d)) pursuant to such exceptions.
 - d) Referral of a receivable to the Comptroller's offset program or institution of a license revocation proceeding either before or after the expiration of the 180 day period set forth above does not automatically prevent the receivable from becoming subject to the Board's jurisdiction.

DEBT COLLECTION BOARD

NOTICE OF ADOPTED RULES

Section 910.40 Agency Referrals

The 180 day period set out in Section 910.30(a) does not prohibit an agency from seeking to have receivables placed with the Board at an earlier point. If an agency has exhausted its internal procedures and it has no private collection vendor under contract, it may refer receivables to the Board prior to the end of the 180 day period.

Section 910.50 Actions by Board

If receivables become subject to its jurisdiction, the Debt Collection Board will take one of the following actions:

- a) Return the receivables to the applicable State agency with:
 - 1) directions for additional collection efforts by the agency; and
 - 2) instructions on how the agency should report the status of its efforts to the Board;
- b) Refer the receivables to one of the Board's outside collection vendors;
- c) Refer the receivables to the Attorney General for collection (this action may be taken only if the amount is greater than \$1,000);
- d) Certify the receivables as uncollectable.

Section 910.60 Format; Board Procedures

The Board will specify:

- a) the format for State agencies to report their receivables. The format shall include, but not be limited to, name of agency, revenue source, nature of receivable, age, and dollar amount of receivable;
- b) the format for State agencies to demonstrate that receivables should not be subject to the Board's jurisdiction pursuant to Section 910.30(c). The format shall include, but not be limited to, a general description of the agency's collection procedures, the extent to which installment payment plans are used, and citations to any statutes or regulations which apply to the agency's collection efforts.

ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking, and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1720
- 3) Section Numbers: Adopted Action:
1720.310 Amended
- 4) Statutory Authority: 20 ILCS 4005/1
- 5) Effective Date of Rulemaking: August 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 12, 1997
- 9) Notice of Proposal Published in Illinois Register: These are internal rules which are not subject to first notice requirements.
- 10) Has JCPR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes aired upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? These amendments are not subject to JCPR review.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments make technical changes to the Illinois Motor Vehicle Theft Prevention Council's rules to reflect statutory changes to the membership of the Council.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Gerard Ramker, Program Director
Illinois Motor Vehicle Theft Prevention Council
120 S. Riverside Plaza, Suite 1016
Chicago IL 60606-3997
312/793-8550

The full text of the Adopted Amendment begins on the next page.

ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE B: MISCELLANEOUS STATE AGENCIES
CHAPTER X: ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

PART 1720

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
1720.100 Applicability
1720.110 Public Requests
1720.120 Public Submissions

SUBPART B: RULEMAKING

Section
1720.200 Procedure
1720.210 Public Hearings

SUBPART C: ORGANIZATION

Section
1720.300 Preamble
1720.310 Membership and Officers
1720.320 Meetings
1720.330 Committees
1720.340 Council Staff
1720.350 Annual Council Budget
1720.360 Amendment of Organizational Rules
1720.370 Unspecified Matters
1720.380 Effective Date

AUTHORITY: 20 ILCS 4005/1

SOURCE: Adopted at 16 Ill. Reg. 4503, effective March 10, 1997; amended at 18 Ill. Reg. 13448, effective August 22, 1994; amended at 21 Ill. Reg. 1112, effective _____.

Section 1720.310 Membership and Officers

- a) Council - The Illinois Motor Vehicle Theft Prevention Council consists of eleven (11) members. The members include the Secretary of State or his designee, the Director of the Department of State Police, the Director of the Department of State Police, the State Attorney, the Cook County, the Superintendent of the Illinois State Police, the Secretary of the Illinois Department of Transportation, the Secretary of the Illinois Department of Public Safety, and the following additional members, each of whom shall be appointed by the Governor: a state's attorney of a county other

ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- than Cook, a chief executive law enforcement official from a jurisdiction other than the City of Chicago, and five (5) three--(3) representatives of insurers authorized to write motor vehicle insurance in this State, all at least--two--(2) of whom shall be domiciled in this State, and one representative of purchasers of motor vehicle insurance in this State who is not employed by or connected with the business of insurance.
- b) Chairing the pleasure of the Governor as a Council member designated by and serving at the pleasure of the Governor.
 - c) Vice Chairman - The Vice Chairman shall be a Council member designated by and serving at the pleasure of the Chairman. Upon disability or unavailability of the Chairman, the Vice Chairman shall function as the Chairman until the Chairman again becomes able or available or until the Governor appoints a new Chairman.
 - d) Secretary - The Secretary shall be appointed by and serve at the pleasure of the Chairman. The Secretary need not be a Council member, but if he or she is not a Council member, he or she may not exercise the powers and functions of Council members. The Secretary shall draft and forward the minutes of each meeting to Council members prior to the next Council meeting, at which time they shall be submitted to the Council for approval. Copies of approved minutes shall be promptly sent to the Governor's office and anyone who requests them. The Secretary shall also provide for the public notice of regular, rescheduled and special Council meetings as required by the Illinois Open Meetings Act, and perform such other tasks as the Chairman designates.

(Source: Amended at 21 Ill. Reg. 1102, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) Section Numbers: Adopted Action:
Amended
307.3501
Amended
307.3502
Amended
307.3503
Amended
307.3508
Amended
307.6500
Amended
307.6503
New
307.6505
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.1 and 27
- 5) Effective Date of Amendments: August 12, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes, this Part includes and updates the incorporations by reference of 40 CFR 425.15, 425.25, 425.65 and 425.85 in 35 Ill. Adm. Code 307.3501, 307.3502, 307.3506 and 307.3508 to reflect the amendments by the United States Environmental Protection Agency (USEPA) on July 8, 1996 at 61 Fed. Reg. 35680.
- 8) Date filed in Board's Principal Office: July 24, 1997
- 9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 5997 (May 16, 1997)
- 10) Has JCAR issued a statement of objection to these rules? No
- 11) Differences between proposal and final version: After the Board adopted the proposal on May 1, 1997, JCAR made several recommended corrections to the proposed amendments for the sake of clarification and consistency. The changes suggested by JCAR were not substantive in nature. These recommended changes have been incorporated into the final rule.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? None issued
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: This rulemaking is mandated by Section 13.3 of the Environmental Protection Act (Act). Section 13.3 of the Act

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requires the Board to adopt regulations which are identical-in-substance with federal regulations promulgated by the USEPA to implement the pretreatment requirements of Sections 301 and 302 of the Clean Water Act. The adopted amendments were adopted by USEPA between July 1, 1996 and December 31, 1996.

The stated statewide policy objectives are set forth in Section 11 of the Act. This rule may affect units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment work required to have a pretreatment program.

The Board updates incorporations by reference at 35 Ill. Adm. Code 307.3501, 307.3502, 307.3506 and 307.3508 to reflect amendments by the USEPA on July 8, 1996 at 61 Fed. Reg. 35680.

The Board incorporates amendments to the pretreatment standards for pesticide formulating, packaging and repackaging facilities at Section 307.6503. These amendments were adopted by the USEPA on November 6, 1996 at 61 Fed. Reg. 57517.

16) Information and questions regarding the adopted amendment shall be directed to:

Amy Muran Felton, Attorney
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
312-814-7011

Requests for copies of the July 24, 1997 opinion should be addressed to Victoria Ayeaman, at 312-814-3620 or at the above address and should reference Docket R97-23.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD

PART 307

SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	Preamble (Renumbered)
307.1101	General Requirements (Renumbered)
307.1102	Mercury (Renumbered)
307.1103	Cyanide (SPB number 00720) (Renumbered)
307.1104	Pretreatment Requirements (Repealed)
307.1105	Preamble
307.1001	Definitions
307.1002	Test Procedures for Measurement
307.1003	Toxic Pollutants
307.1005	

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	Receiving Stations
307.1501	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts
307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

SUBPART G: GRAIN MILLS

Section	Corn Wet Milling
307.1601	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.1602 Corn Dry Milling
 307.1603 Normal Wheat Flour Milling
 307.1604 Bulgur Wheat Flour Milling
 307.1605 Normal Rice Milling
 307.1606 Parboiled Rice Milling
 307.1607 Animal Feed
 307.1608 Hot Cereal
 307.1609 Ready-to-eat Cereal
 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
 307.1700 General Provisions
 307.1701 Apple Juice
 307.1702 Apple Products
 307.1703 Citrus Products
 307.1704 Frozen Potato Products
 307.1705 Dehydrated Potato Products
 307.1706 Canned and Preserved Fruits
 307.1707 Canned and Preserved Vegetables
 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
 307.1801 Farm-raised Catfish
 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
 307.1901 Beet Sugar Processing
 307.1902 Crystalline Cane Sugar Refining
 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
 307.2000 General Provisions
 307.2001 Wool Scouring
 307.2002 Wool Finishing
 307.2003 Low Water Use Processing
 307.2004 Woven Fabric Finishing
 307.2005 Knit Fabric Finishing
 307.2006 Carpet Finishing
 307.2007 Stock and Yarn Finishing
 307.2008 Nonwoven Manufacturing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section
 307.2101 Nonleaching
 307.2102 Leaching
 307.2103 Materials Storage Piles Runoff

SUBPART M: FEEDLOTS

Section
 307.2201 General
 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section
 307.2300 General Provisions
 307.2301 Electroplating of Common Metals
 307.2302 Electroplating of Precious Metals
 307.2303 Anodizing
 307.2304 Coatings
 307.2305 Chemical Etching and Milling
 307.2306 Electroless Plating
 307.2307 Printed Circuit Boards
 307.2308

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section
 307.2400 General Provisions
 307.2401 Rayon Fibers
 307.2402 Other Fibers
 307.2403 Thermoplastic Resins
 307.2404 Thermosetting Resins
 307.2405 Commodity Organic Chemicals
 307.2406 Bulk Organic Chemicals
 307.2407 Specialty Organic Chemicals
 307.2410 Toxic Substances
 307.2411 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams
 307.2490 Complexed Metal-bearing Wastestreams
 307.2491

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section
 307.2500 General Provisions
 307.2501 Aluminum Chloride Production
 307.2502 Aluminum Sulfate Production

POLLUTION CONTROL BOARD

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307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Acetate Production
307.2515	Sodium Chloride Production
307.2516	Sodium Dichromate and Sodium Sulfate Production
307.2517	Sodium Sulfite Production
307.2520	Titanium Dioxide Production
307.2522	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chromic Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2539	Fluorine Production
307.2541	Hydrogen Cyanide Production
307.2542	Iodine Production
307.2543	Lead Monoxide Production
307.2544	Lithium Carbonate Production
307.2545	Nickel Salts Production
307.2547	Oxygen and Nitrogen Production
307.2549	Potassium Chloride Production
307.2550	Potassium Iodide Production
307.2551	Silver Nitrate Production
307.2553	Sodium Bisulfite Production
307.2554	Sodium Fluoride Production
307.2555	Stannic Oxide Production
307.2556	Zinc Sulfate Production
307.2563	Cadmium Pigments and Salts Production
307.2564	Cobalt Salts Production
307.2565	Sodium Chlorate Production
307.2566	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	Soap Manufacturing by Batch Kettle
307.2701	Soap Manufacturing by Fat Splitting
307.2702	Soap Manufacturing by Fatty Acid Neutralization
307.2703	Glycerine Concentration
307.2704	Glycerine Distillation
307.2705	Manufacture of Soap Flakes and Powders
307.2706	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oilum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacture of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	Phosphate
307.2801	Ammonia
307.2802	Urea
307.2803	Ammonium Nitrate
307.2804	Nitric Acid
307.2805	Ammonium Sulfate Production
307.2806	Mixed and Blend Fertilizer Production
307.2807	

SUBPART T: PETROLEUM REFINING

Section	Topping
307.2901	Cracking
307.2902	Isomerization
307.2903	Petrochemical
307.2904	Integrated
307.2905	

SUBPART U: IRON AND STEEL MANUFACTURING

Section	General Provisions
307.3000	Cookmaking
307.3001	Sintering
307.3002	Ironmaking
307.3003	

POLLUTION CONTROL BOARD

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307.3004	Steelmaking
307.3005	Yarn Degreasing
307.3006	Continuous Casting
307.3007	Hot Forging
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating

SUBPART V: NONFERROUS METALS MANUFACTURING

Section	General Provisions
307.3100	Bauxite Refining
307.3101	Primary Aluminum Smelting
307.3102	Secondary Aluminum Smelting
307.3103	Primary Copper Smelting
307.3104	Primary Electrolytic Copper Refining
307.3105	Secondary Copper
307.3106	Primary Zinc
307.3107	Primary Lead
307.3108	Primary Tungsten
307.3109	Primary Columbian-Tantalum
307.3110	Primary Silver
307.3111	Secondary Lead
307.3112	Primary Antimony
307.3113	Primary Beryllium
307.3114	Primary and Secondary Germanium and Gallium
307.3115	Secondary Indium
307.3116	Secondary Mercury
307.3117	Primary Molybdenum and Rhenium
307.3118	Secondary Molybdenum and Vanadium
307.3119	Primary Nickel and Cobalt
307.3120	Secondary Nickel
307.3121	Primary Precious Metals and Mercury
307.3122	Secondary Precious Metals
307.3123	Primary Rare Earth Metals
307.3124	Secondary Tin
307.3125	Primary and Secondary Titanium
307.3126	Secondary Tungsten and Cobalt
307.3127	Secondary Uranium
307.3128	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	Steam Electric Power Generating
307.3301	

SUBPART Y: FERROALLOY MANUFACTURING

Section	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3401	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3402	Slag Processing
307.3403	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3404	Other Calcium Carbide Furnaces
307.3405	Electrolytic Manganese Products
307.3406	Electrolytic Chromium
307.3407	

SUBPART Z: LEATHER TANNING AND FINISHING

Section	General Provisions
307.3500	Hair Slip, Chrome Tan, Retan-Wet Finish
307.3501	Hair Slip, Chrome Tan, Retan-Wet Finish
307.3502	Hair Slip, Chrome Tan, Retan-Wet Finish
307.3503	Hair Slip, Chrome Tan, Retan-Wet Finish
307.3504	Hair Slip, Chrome Tan, Retan-Wet Finish
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section	Insulation Fiberglass
307.3601	Sheet Glass Manufacturing
307.3602	Molten Glass Manufacturing
307.3603	Plate Glass Manufacturing
307.3604	Pilot Glass Manufacturing
307.3605	Automotive Glass Tempering
307.3606	Automotive Glass Laminating
307.3607	Glass Container Manufacturing
307.3608	Glass Tubing (Danner) Manufacturing
307.3610	Television Picture Tube Envelope Manufacturing
307.3611	Incandescent Lamp Envelope Manufacturing
307.3612	Hand Pressed and Blown Glass Manufacturing
307.3613	

SUBPART BB: ASBESTOS MANUFACTURING

POLLUTION CONTROL BOARD

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Section	Asbestos-Cement Pipe	307.3701
	Asbestos-Cement Sheet	307.3702
	Asbestos Paper (Catch Binder)	307.3703
	Asbestos Paper (Elastomeric Binder)	307.3704
	Asbestos Millboard	307.3705
	Asbestos Roofing	307.3706
	Asbestos Floor Tile	307.3707
	Coating or Finishing of Asbestos Textiles	307.3708
	Solvent Recovery	307.3709
	Vapor Absorption	307.3710
	Wet Dust Collection	307.3711
	SUBPART BC: RUBBER MANUFACTURING	
Section	Tire and Inner Tube Plants	307.3801
	Emulsion Crumb Rubber	307.3802
	Solution Crumb Rubber	307.3803
	Latex Rubber	307.3804
	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants	307.3805
	Large-Sized General Molded, Extruded and Fabricated Rubber Plants	307.3806
	Wet Digestion and Mechanical Reclaimed Rubber	307.3807
	Pan, Dry Digestion and Mechanical Reclaimed Rubber	307.3808
	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber	307.3810
	Latex Foam	307.3811
	SUBPART BD: TIMBER PRODUCTS PROCESSING	
Section	General Provisions	307.3900
	Barking	307.3901
	Veneer	307.3902
	Plywood	307.3903
	Dry Process Hardboard	307.3904
	Wet Process Hardboard	307.3905
	Wood Preserving-Water Borne or Nonpressure	307.3906
	Wood Preserving-Steam	307.3907
	Wood Preserving-Solvent	307.3908
	Wet Storage	307.3909
	Log Washing	307.3910
	Sawmills and Planing Mills	307.3911
	Finishing	307.3912
	Particleboard Manufacturing	307.3913
	Insulation Board	307.3914
	Wood Furniture and Fixture Production Without Wash Spray Booth(s) or Without Laundry Facilities	307.3915

POLLUTION CONTROL BOARD

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307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities
SUBPART BE: PULP, PAPER AND PAPERBOARD	
Section	General Provisions
307.4000	Unbleached Kraft
307.4001	Semi-Chemical
307.4002	Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)
307.4003	Paperboard From Wastepaper
307.4004	Dissolving Kraft
307.4005	Market Bleached Kraft
307.4006	BCT Bleached Kraft
307.4007	Fine Bleached Kraft
307.4008	Papergrade Sulfite (Blow Pit Wash)
307.4009	Dissolving Sulfite Pulp
307.4010	Groundwood-Chemical-Mechanical
307.4011	Groundwood-Thermochemical
307.4012	Groundwood-CMN Papers
307.4013	Groundwood-Fine Papers
307.4014	Soda
307.4015	Deink
307.4016	Nonintegrated-Fine Papers
307.4017	Nonintegrated-Tissue Papers
307.4018	Tissue From Wastepaper
307.4019	Papergrade Sulfite (Drum Wash)
307.4020	Unbleached Kraft and Semi-Chemical
307.4021	Wastepaper-Molded Products
307.4022	Nonintegrated-Lightweight Papers
307.4023	Nonintegrated-Filter and Nonwoven Papers
307.4024	Nonintegrated-Paperboard
307.4025	
307.4026	
SUBPART BF: BUILDERS' PAPER AND BOARD MILLS	
Section	Builder's Paper and Roofing Felt
307.4101	
SUBPART BG: MEAT PRODUCTS	
Section	Simple Slaughterhouse
307.4201	Complex Slaughterhouse
307.4202	Low-Processing Packinghouse
307.4203	High-Processing Packinghouse
307.4204	Small Processor
307.4205	Meat Cutter
307.4206	Sausage and Luncheon Meats Processor
307.4207	

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307.4208 Ham Processor
307.4209 Canned Meats Processor
307.4210 Renderer

SUBPART BH: METAL FINISHING

Section
307.4300 General Provisions
307.4301 Metal Finishing

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section
307.4900 General Provisions
307.4901 Fermentation Products
307.4902 Extraction Products
307.4903 Chemical Synthesis Products
307.4904 Mixing/Compounding and Formulation
307.4905 Research

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section
307.5301 Asphalt Emulsion
307.5302 Asphalt Concrete
307.5303 Asphalt Roofing
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BU: PAINT FORMULATING

Section
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticide Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging
307.6504 Remanufacturing of Agricultural Pesticides Performed at Refilling Establishments

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SUBPART CG: CARBON BLACK MANUFACTURING

Section
307.6801 Carbon Black Furnace Process
307.6802 Carbon Black Thermal Process
307.6803 Carbon Black Channel Process
307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
307.7100 General Provisions
307.7101 Cadmium
307.7102 Calcium
307.7103 Lead
307.7104 Leclanche
307.7105 Lithium
307.7106 Magnesium
307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
307.7300 General Provisions
307.7301 Contact Cooling and Heating Water
307.7302 Cleaning Water
307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section
307.7400 General Provisions
307.7401 Aluminum Casting
307.7402 Copper Casting
307.7403 Ferrous Casting
307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section
307.7500 General Provisions
307.7501 Steel Basis Material
307.7502 Galvanized Basis Material
307.7503 Aluminum Basis Material
307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

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discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. 11930, effective 11930)

Section 307.3502 Hair Save, Chrome Tan, Retan-Wet Finish

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured cattle or cattle-like hides into finished leather by hair save unhairing, chrome tanning and retan-wet finishing.

- b) Specialized definitions. None.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 425.25 (1995), as amended at 61 Fed. Reg. 35680, July 8, 1996 (#9667). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 425.26 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. 11930, effective 11930)

Section 307.3506 Through-the-Blue

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured cattle or cattle-like hides through the blue tanned state by hair pulp unhairing and chrome tanning; no retan-wet finishing is performed.

- b) Specialized definitions. None.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 425.65 (1995), as amended at 61 Fed. Reg. 35680, July 8, 1996 (#9667). This

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Incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 425.66 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. 11930, effective 11930)

Section 307.3508 Pigskin

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured pigskins into finished leather by chemically dissolving or pulping the hair and tanning with chrome, then retan-wet finishing. None.

- b) Specialized definitions. None.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 425.85 (1995), as amended at 61 Fed. Reg. 35680, July 8, 1996 (#9667). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 425.86 (1986). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. 11930, effective 11930)

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SUBPART CD: PESTICIDE CHEMICALS

Section 307.6500 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 455.10 (1996), as amended at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
- b) Compliance date. The Board incorporates by reference 40 CFR 455.11 (1996), as amended at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

(Source: Amended at 21 Ill. Reg. 11947, effective 11/6/96)

Section 307.6503 Pesticide Chemicals Formulating and Packaging

- a) Applicability.
- 1) The Board incorporates by reference 40 CFR 455.40 (1996), as amended at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in subsection (a)(1) of this Section.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.41, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
- c) Existing sources: These sources are in compliance with the general and specific pretreatment requirements of 307.600-part-B.
- 1) The Board incorporates by reference 40 CFR 455.46, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources: All sources are regulated as existing sources.
- 1) The Board incorporates by reference 40 CFR 455.46, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) New source means any building, structure, facility or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 21 Ill. Reg. 11947, effective 11/6/96)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART CD: PESTICIDE CHEMICALS

Section 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

- a) Applicability.
- 1) The Board incorporates by reference 40 CFR 455.50, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in subsection (a)(1) of this Section.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.61, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 455.66, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
- 1) The Board incorporates by reference 40 CFR 455.66, as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) New source means any building, structure, facility or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 21 Ill. Reg. 11948, effective 11/6/96)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Practice and Procedure for Hearings Before the Property Tax Appeal Board

- 2) Code Citation: 86 Ill. Adm. Code 1910

- 3) Section Numbers: Adopted Action:
1910.50 Amended
1910.75 Amended

- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

- 5) Effective Date of Amendments: August 13, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporation by reference? No

- 8) Date filed in Agency's Principal Office: August 13, 1997

- 9) Date Notice of Proposed Rules was Published in the Illinois Register: May 9, 1997, at 21 Ill. Reg. 5692

- 10) Has JCAR issued a Statement of Objections to these amendments: No

- 11) Differences between proposal and final version: Before the expiration of the first Notice period, the Property Tax Appeal Board received several comments filed by Cook County officials objecting to the proposed rulemaking. Subsequently, the Board and the aforementioned officials entered into discussions in an attempt to resolve the differences. A revised version of the proposed rulemaking was later drafted and an agreement was reached between the Board and the Cook County officials. The new language contained in the final adopted version of the rules reflects the agreed upon language.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace Emergency Amendments currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
Section 1910.30	Amended	21 Ill. Reg. 10006
Section 1910.66	Amended	21 Ill. Reg. 10008
Section 1910.67	Amended	21 Ill. Reg. 10009
Section 1910.75	Amended	21 Ill. Reg. 10012

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- Section 1910.76 New Section
Section 1910.80 Amended
21 Ill. Reg. 10014
21 Ill. Reg. 10015

- 15) Summary and Purpose of Amendments:

Section 1910.50 Determination of Appealed Assessment: This Section is amended to grant the Board the authority to consider the Department of Revenue's annual sales ratio studies or comparable assessment studies evidence submitted by parties to the appeal, when sufficient probative property on the relevant assessment date is presented. The revised amendment only applies in Cook County for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance.

Section 1910.75 Access to Board Records: This section is amended to provide the correct citation to the Freedom of Information Act.

- 16) Information and questions regarding this amended part shall be directed to:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, IL 62706
(217) 782-6076

The full text of the Proposed Amendments begins on the next page:

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE

CHAPTER 11: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR HEARINGS
BEFORE THE PROPERTY TAX APPEAL BOARD PROCEEDINGS

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions - Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties - Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Sanctions
1910.69	Sanctions
1910.70	Representation at Hearings
1910.75	Access to Board Records
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability

AUTHORITY: Implementing and authorized by the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16434, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 1134, effective 11-1-97.

Section 1910.50 Determination of Appealed Assessment

- a) All proceedings before the Property Tax Appeal Board shall be considered de novo which shall mean that the Property Tax Appeal Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or any submissions not timely filed or not specifically made a part of the record. (Section 16-180 of the Code)
- b) By statute, the Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties, and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place

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designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing. (Section 16-170 of the Code)

c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.

- 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1. County for residential property of six units or less in Cook County shall be designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:
 - A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and
 - B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.
- d) Whether a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated if the Board renders a decision. The Board may revise and correct a decision upon its own initiative at any time prior to the expiration of the Administrative Review Code as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or a clerical error is discovered. In such event, the assessment shall be corrected and the decision of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.
- e) A majority of the Members of the Board is required to make a decision of the Board.
- f) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review Law [735 ILCS 5/Art. III] and Section 16-195 of the Property Tax Code [35 ILCS 200/16-195].
- g) The required number of copies of all documents in an appeal file necessary to complete the certification of the Property Tax Appeal Board proceedings in answer to a court order for Administrative Review will be prepared by the Property Tax Appeal Board at a cost to the plaintiff of \$.25 per page, except for pages of the original

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transcript which will have a cost of \$.75 per page, and for pages larger than legal size which will have a cost of \$1.00 per page. (Section 16-195 of the Code) From the original certification of proceedings, which will be filed with the Clerk of the Circuit Court, copies of the proceedings will be prepared and forwarded to the Attorney General, State's Attorney, and the plaintiff in the Administrative Review and one copy will be retained as a permanent record for the Property Tax Appeal Board. An estimate of the cost of preparing a certified record will be mailed to the plaintiff. Upon payment of the estimated payment, the Property Tax Appeal Board will prepare certification of the proceedings.

- b) If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)
- i) If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)

- j) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the decision to the Circuit Court for the next assessment year. (Section 16-185 of the Code)
- k) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)

- l) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

- m) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by withdrawing the appeal from the record. However, where a party to the appeal has filed substantive evidence in response to the contesting

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party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

(Source: Amended at 21 Ill. Reg. 710.010, effective 1-1-83)

Section 1910.75 Access to Board Records

- a) Subject to the rights and protections of the Freedom of Information Act (5 ILCS 140.48), the official record in each appeal decided by the Board and not pending in the courts of this State shall be available for public inspection upon making a written request with the Board.
- b) The Property Tax Appeal Board shall publish annually a volume containing synopses of representative cases decided by the Board during that year. The publication shall be mailed to the owner of the property cross-referenced by the issue presented before the Board in each decision contained in the publication. Copies shall be available at a reasonable cost.
- c) Inspection of any files and documents shall be permitted only at the offices of the Board.

(Source: Amended at 21 Ill. Reg. 710.010, effective 1-1-83)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3) Section Numbers: Adopted Action:
102.21
102.70
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 13, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 13, 1997
- 9) Notice of Proposal Published in Illinois Register: March 7 and 28, 1997 (21 Ill. Reg. 2924 and 3829)
- 10) Has JCRR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between Proposal and final version:

Section 102.70

In the last sentence of subsection (d)(2), "within ten days of" has been changed to "within ten days after".

In subsections (e)(1) and (2), "within 45 days of" has been changed to "within 45 days after".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the Agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes. The amendments to Section 102.70 replace emergency amendments which took effect on March 14, 1997, and were published in the Illinois Register on March 28, 1997 (21 Ill. Reg. 4037).

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 102.21 Due to a recent change in State and Local Voter Registration procedures and in accordance with provisions of the National Voter Registration Act of 1993 (P.L. 103-31) and based upon the fact that these amendments provide that the Department will offer clients the opportunity to register to vote for all elections. In accordance with court action, the Department currently allows each member of a household over the age of 18 years, who must sign the application for public assistance and is present for the eligibility interview, the opportunity to register to vote for all elections. The Department offers the opportunity to register to vote for all elections at each application for assistance and at each recertification of Food Stamp benefits or other face-to-face redetermination. This rulemaking aligns the rules with current Department policy.

Section 102.70 The Department of Public Aid issued a new policy manual with a new numbering system in March 1997. These amendments provide that references in the policy manual using the previous numbering system shall refer to the parallel provisions of the new policy manual while the new numbering system being implemented. Since the Department is required to include specific references in its rulemaking, in order to ensure compliance with this requirement during the transition to the new numbering system. It is expected that these amendments will provide clarification concerning the new manual and eliminate any client confusion regarding the numbering system.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER A: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section	
102.1	Incorporation By Reference
102.10	Rights of Clients
102.20	Non discrimination
102.21	Voter Registration
102.22	Confidentiality of Case Information
102.30	Confidentiality of Case Information
102.35	Freedom of Choice
102.40	Reporting Changes of Circumstances
102.50	Referral Requirements
102.60	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.96	Excess Assistance (Recordified)
102.100	Recoupment of Overpayments (Recordified)
102.110	Correction of Underpayments
102.120	Recovery of Assistance
102.210	State Claims
102.220	Property Liens
102.230	Renewal of Liens
102.235	Liens on Proceeds of Institutionalized Recipients
102.240	Forfeiture of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud - Eligibility
102.280	Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; preterpitory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; preterpitory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

DEPARTMENT OF PUBLIC AID

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amended at 3 Ill. Reg. 43, p. 136, effective October 15, 1979; amended at 5 Ill. Reg. 9035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; modified at 7 Ill. Reg. 5705, amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 147, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 1, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 152, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 1, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 43512, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 2, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 2008, effective October 24, 1986; Sections 102.100 and 102.110 recordified 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 4, 1995; for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 4037, effective March 14, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7438, effective June 1, 1997; amended at 21 Ill. Reg. 11333, effective _____.

Section 102.21 Voter Registration

- As mandated by the National Voter Registration Act of 1993, Public Law 103-31, Department staff are required to allow clients the opportunity to register to vote and to assist clients in completing voter registration forms. the opportunity to register to vote shall be for federal elections only
- An application for assistance is a signed request for AFDC, Food Stamps or Medicaid benefits. The opportunity to register to vote shall be given at each application for assistance and at each recertification of Food Stamp benefits or other face-to-face redetermination.
- The opportunity to register to vote shall be made to all clients, age 18 and over, who have signed the application for AFDC, Food Stamps, Transitional Assistance, Child and Family Assistance or Medicaid and who are present at the eligibility interview.
- The Department shall allow each member of the household over the age of 18 years, who is the applicant for public assistance and is present for the eligibility interview, the opportunity to register to vote. Each individual they may decline.

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NOTICE OF ADOPTED AMENDMENTS

- e) Department staff shall provide the same degree of assistance to each applicant in completing the voter registration form as provided by the Agency with regard to the completion of its own forms, unless the applicant refuses such assistance.
- f) Department staff shall not influence an applicant's political preference or party registration;
 - 1) display any political preference or party allegiance;
 - 2) make any statement or take any action to discourage an applicant from registering to vote or
 - 3) make any statement or take any action to lead an applicant to believe that a decision to register or not to register will affect the availability of assistance.
- g) Department staff shall collect completed voter registration forms and forward the forms to the State election official no later than 10 days after the date of acceptance. Any voter registration form accepted by the Department within five days before the last day of registration for an election shall be transmitted no later than five days after the date of acceptance.
- h) The Department shall keep confidential records of the number of persons choosing to complete a voter registration form. The Department shall report those numbers to the State Board of Elections.

(Source: Amended at 21 Ill. Reg. 1995, effective _____)

Section 102.70 Notice to Client

- a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.
- b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.
- c) Notices denying, reducing, or discontinuing assistance shall contain the following information:
 - 1) A clear statement of the action being taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the statute, rule, or policy provision under the authority of which the action is taken.
- d) Beginning on March 1, 1997, the Department's policy manuals using the automated system in use in 1996 shall be deemed amended to reflect the corresponding provisions of the new automated system introduced in 1997.
- e) A complete statement of the client's right to appeal (see subsection (d) below and Sections 102.80 through 102.82).
- f) All notices concerning local office reduction or discontinuance of assistance shall be "timely" except notices to cases in monthly reporting when the adverse action is due to information

DEPARTMENT OF PUBLIC AID

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- received on the monthly report or due to failure to submit a complete monthly report. A "timely" notice shall be mailed or given at least ten (10) calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. Any one of the ten (10) days after the date the notice is mailed or given on the notice. Day ten will be no later than the date the reduction or discontinuance will occur.
- 2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than ten (10) days before the date of change, the client may receive continued benefits if the appeal is filed within ten (10) days after the date of notice. (See 89 Ill. Adm. Code 112.302.)

- e) Aid to Families with Dependent Children
 - 1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days after the date of the request.
- 2) Every recipient who makes a request for Special Assistance (89 Ill. Adm. Code 116-5003), Emergency Assistance (89 Ill. Adm. Code 116-5101 or Hardship Assistance (89 Ill. Adm. Code 116-520) shall be sent or given a written notice of the disposition of the request within 45 days after the date of the request.
- f) Approval of General Assistance as a result of cancellation of AFDC or AABD or reduction of AFDC (Applicable Only in City of Chicago)
 - 1) A notice of intended cancellation or reduction of benefits is sent to an AFDC or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the Assistance Unit (AFDC only) for one of the following reasons:
 - A) AABD:
 - i) no longer blind, disabled
 - B) AFDC:
 - i) no longer an eligible child in the home,
 - ii) no longer incapacitated,
 - iii) absent parent returned home,
 - iv) no longer an unemployed parent,
 - v) stepparent is financially insufficient to meet need,
 - vi) stepparent failed to verify income, or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- vii) parent participating in a strike.
- 2) If a recipient from one of the programs listed in subsection (5)(i) applies for General Assistance (GA) within thirty-4 304 days of the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA such benefits shall be authorized with no gap in assistance (see also 80 Ill. Adm. Code 110.30).
- 9) Food Stamp households shall be notified
- 1) If the household is to change in benefits following submission of a change report or
 - 2) If food stamp benefits are being reduced or discontinued, the following additional information shall be included in the notice:
 - A) a telephone number of the local Public Aid office;
 - B) a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and
 - C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone number of those individuals or organizations.
 - 3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.
 - 4) If the local office cannot act on an application by the 30th day because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household shall be allowed an additional 30 thirty days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

(Source: Amended at 21 Ill. Reg. 110.3, effective _____)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: Adopted Action: Amendment 1600.30
- 4) Statutory Authority: 40 ILCS 5/15-125, 5/15-177
- 5) Effective Date of Amendment: August 13, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in agency's principal office: August 13, 1997
- 9) Notice of Proposal Published in Illinois Register: April 18, 1997, 21 Ill. Reg. 4977
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version:
 1. Notice Page, item 11, telephone number added.
 2. Notice Page, item 11, "Illinois Register" placed in italics.
 3. Line 19, corrected authority note, brackets put around citation.
 4. Lines 25-26, updated Source Note.
 5. Line 34, underlined "and" as new text.
- 12) Have all the changes urged upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This Section currently sets forth the rules for crediting interest on employee contributions and other reserves. The amendment will ensure that interest is credited in accordance with current statutory provisions.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Judith A. Parker, Deputy Director
State Universities Retirement System
P.O. Box 2710

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

Champaign, IL 61821-2710

(217) 378-8800

The full text of the Adopted Amendment begins on the next page:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER 11: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600

UNIVERSITIES RETIREMENT

Section

1600.10

Definitions

1600.20

Dependency of Beneficiaries

1600.30

Crediting Interest on Employee Contributions and Other Reserves

1600.40

Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay

1600.50

Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant

1600.70

Procedures to be followed in Medical Evaluation of Disability Claims

1600.80

Rules of Practice-Nature and Requirements of Formal Hearings

APPENDIX A

Chart Outlining Hearing Procedures

AUTHORITY: Implementing and authorized by Sections 15-125 and 15-177 of the Illinois Pension Code [40 ILCS 5/15-125 and 15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p. 53, effective July 30, 1978; amended at 7 Ill. Reg. 0139, effective June 29, 1983; codified 1987; amended at 11 Ill. Reg. 15589, effective January 1, 1988; amended at 11 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11360, effective

Section 1600.30 Crediting Interest on Employee Contributions and Other Reserves

- a) On the first of each month, at--August-31-of-each-year, employee contributions and all other reserves, except the reserves for undistributed interest and gains and losses on investments, shall be credited with interest at the effective rate in accordance with subsections (b) and (c) (7)-(9)-(10)-(11) of this Section.
- b) The balance in the account at the end of the preceding fiscal year shall be credited with one-twelfth of one year of interest at the effective rate.
- c) A participant accepting a refund shall be entitled to interest to the first day of the month in which the refund is paid.
- d) The credited rate of interest shall be compounded annually, and the rate shall be determined periodically by the Board of Trustees based upon the 30-day average effective rate of interest on a long-term basis long-term-investment-experience-of-the-System.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

- e) The effective rate of interest shall be determined by the Board of Trustees annually after taking into consideration the investment experience of the preceding fiscal years.

(Source: Amended at 21 Ill. Reg. 1106.0, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3) Section Numbers: Emergency Action:
665.240 Amendment
- 4) Statutory Authority: The School Code [105 ILCS 5/27-8.1]
- 5) Effective Date of Emergency Rules: August 15, 1997
- 6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on which it is to Expire: These emergency rules will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: August 15, 1997

- 8) Reason for Emergency: The Department has decided to delay enforcement for one year of a new requirement that all students entering 5th grade or children 2 years of age or older enrolling in school-operated pre-kindergarten programs have three doses of hepatitis B vaccine. The Department's concern with this requirement is that, faced with the possibility of their child not being able to attend school or school-operated pre-kindergarten programs because all the required hepatitis B immunizations had not been received, parents may opt to have the three-dose regimen in less than the optimum schedule. While three months is the current minimum requirement, the first two shots four weeks apart and the third shot at least two months after the second shot, officials recommend the spacing between the first and third shot be at least four months, and at the physician's discretion, up to six months apart. The enforcement of the requirement will be delayed until July 1, 1998 for children entering school-operated programs below the kindergarten level and the 5th grade after July 1997. This one year delay in enforcement of the requirement will provide parents the time necessary to complete the 3-dose series of hepatitis B vaccine for children required to show proof of immunity.

- 9) A Complete Description of the Subjects and Issues Involved: These emergency rules are for one year, the initial enforcement date of the existing hepatitis B immunization requirement for those children who will be entering school-operated programs below the kindergarten level and the 5th grade after July 1997. In addition, these emergency rules clarify which children entering school-operated programs below the kindergarten level and 5th grade after July 1997 are required to receive the 3-dose series of hepatitis B vaccine. The amended language specifies that the requirement includes those children entering school-operated programs below the kindergarten level and 5th grade, for the first time on or after July 1, 1997. It also specifies a four month minimum interval

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

between the first and third dose of the hepatitis B vaccine series which is not included in the current rules.

- 10) Are There Any Proposed Amendments Pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require any new expenditures by units of local government.
- 12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Gail M. DeVito
535 West Jefferson, Fifth Floor
Springfield, IL 62761
217/782-2043

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: MATERNAL AND CHILD HEALTH

PART 665

CHILD HEALTH EXAMINATION CODE

SUBPART A: GENERAL PROVISIONS

Section
665.100 Statutory Authority
665.110 General Considerations (Repealed)

SUBPART B: HEALTH EXAMINATION

Section
665.120 Health Examination Requirement
665.130 Signature of Physician
665.140 Time Examinations to be Conducted
665.150 Reporting
665.160 Proof of Examination
665.210 Proof of Immunizations
665.220 Local School Authority
665.230 School Entrance
665.240 Basic Immunization

EMERGENCY

665.250 Proof of Immunity
665.260 Booster Immunizations
665.270 Compliance with the Law
665.280 Physician Statement of Immunity

SUBPART C: VISION AND HEARING SCREENING

Section
665.310 Vision and Hearing Screening

SUBPART D: DENTAL EXAMINATION

Section
665.410 Dental Examination Recommendation
665.420 Dental Examination
665.430 Dental Examination Record
665.440 Guidelines

SUBPART E: EXCEPTIONS

Section
665.510 Objection of Parent or Legal Guardian

DEPARTMENT OF PUBLIC HEALTH
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665.620 Medical Objection

SUPPORT F: VISION EXAMINATION

Section
665.610 Vision Examination Recommendation
665.620 Vision Examination
665.630 Vision Examination Report
665.640 Indigent Students

APPENDIX A Vision Examination Report for Hemophilus influenzae type b
APPENDIX B Vaccination Schedule for Conjugate Vaccines (Hib)

AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act [10 ILCS 45/6-2].

SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, P. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, P. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 150 days; adopted at 5 Ill. Reg. 1111, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1990; amended at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 139406, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 19, 1994; amended at 20 Ill. Reg. 1390, effective August 15, 1996; emergency amendment adopted at 20 Ill. Reg. 1390, effective August 15, 1996; emergency amendment adopted at 20 Ill. Reg. 1390, effective August 15, 1997, for a maximum of 150 days.

SUPPORT B: HEALTH EXAMINATION

Section 665.240 Basic Immunization

EMERGENCY

a) Diphtheria, Pertussis, Tetanus

1) Any child 2 years of age or older entering a school program (defined as nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 665.250(b)) of having received four or more doses of Diphtheria, Tetanus, Pertussis (DTP) vaccine. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth or final dose must be at least six months.

2) Any child entering school, kindergarten or first grade, for the first time must show proof (see Section 665.250(b)) of having

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

received four or more doses of Diphtheria, Tetanus, Pertussis (DTP) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth or final dose must be at least six months. Children six years of age and older may receive Tetanus, Diphtheria (Td) vaccine in lieu of DTP vaccine. Pertussis vaccine is not medically recommended for children 7 years of age or older.

3) Any child entering school at a grade level not included in subsection a)(1) or (2) of this Section must show proof (see Section 665.250(b)) of receiving three or more doses of DTP or Tetanus, Diphtheria (Td) with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than four weeks apart.

4) If 10 years have elapsed since the last booster, an additional Td booster is required.

b) Polio

1) Any child 2 years of age or older entering a school program (defined as nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 665.250(b)) of having received three or more doses of Trivalent Oral Polio Vaccine (TOPV). Individual doses in the series must have been received no less than six weeks apart.

2) Any child entering school, kindergarten or first grade, for the first time must show proof (see Section 665.250(b)) of having received three or more doses of Trivalent Oral Polio Vaccine (TOPV) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance. The first two doses in the series must have been received no less than six weeks apart. The interval between the second and third or final dose must be at least six months.

3) Any child entering school at a grade level not included in subsection b)(1) or (2) of this Section must show proof (see Section 665.250(b)) of receiving three or more doses of TOPV with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than six weeks apart. The interval between the second and third or final dose (booster dose) must be at least six months.

4) A series of enhanced-potency inactivated polio vaccine (e-IPV) or inactivated polio vaccine (IPV) and appropriate boosters may, for an individual, be substituted for vaccination with TOPV at the direction of a physician.

c) Measles

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Immunization Code
- 2) Code Citation: 77 Ill. Adm. Code 695
- 3) Section Numbers: Emergency Action: 695.10 Amended
- 4) Statutory Authority: Communicable Disease Prevention Act (410 ILCS 315), the School Code (105 ILCS 5/27-8.1) and the Child Care Act of 1969 (225 ILCS 10/7)
- 5) Effective Date of Emergency Rules: August 15, 1997
- 6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: These emergency rules will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: August 15, 1997
- 8) Reason for Emergency: The Department has decided to delay enforcement for one year of a new requirement that all students entering 5th grade or kindergarten programs have three doses of hepatitis B vaccine. The Department's concern with the requirement is that, faced with the possibility of their child not being able to attend school or school-operated pre-kindergarten programs because of the required hepatitis B immunizations had not been received, parents may opt for the three-dose regimen in less than the optimum time schedule. While three months is the current minimum requirement, the first two shots four weeks apart and the third shot at least two months after the second, health officials recommend the spacing between the first and third shot be at least four months, and at the physician's discretion, up to six months apart. The enforcement of the requirement will be delayed until July 1, 1998 for children entering school-operated programs below the kindergarten level and the 5th grade after July 1997. This one year delay in enforcement of the requirement will provide parents the time necessary to complete the 3-dose series of hepatitis B vaccine for children required to show proof of immunity.

- 9) A Complete Description of the Subjects and Issues Involved: These emergency rules defer, for one year, the initial enforcement date of the existing hepatitis B immunization requirement for those children who will be entering a child care facility, school-operated program below the kindergarten level, and the 5th grade after July 1997. In addition, these emergency rules clarify which children entering child care facilities, school-operated programs below the kindergarten level, and 5th grade after July 1997 are required to receive the 3-dose series of hepatitis B vaccine. The amended language specifies that the requirement includes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- those children entering child care facilities, school-operated programs below the kindergarten level and the 5th grade, for the first time, on or after July 1, 1997. It also specifies a four month minimum interval between the first and third doses of the hepatitis B vaccine series which is not included in the current rules.
- 10) Are There Any Proposed Amendments Pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require any new expenditures by units of local government.
- 12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Gall M. Devito
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 695

IMMUNIZATION CODE:

Section

EMERGENCY

055.20	Exceptions
695.30	Exceptions

695.40 List of Non-Immunized Child Care Facility Attendees or Students

695.50 Proof of Imm

APPENDIX A

Conjugate Vaccines (Hib)

AUTHORITY: Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7].

SOURCE: Emergency amendment effective June 23, 1977; emergency amendment at 1111. Reg. 14, P. 88, effective March 21, 1979, for a maximum of 150 days; amended at 3111. Reg. 52, P. 134, effective December 17, 1979; codified at 8111. Reg. 4512; amended at 1111. Reg. 11799, effective June 29, 1987; amended at 1411. Reg. 5890, effective March 30, 1990, for a maximum of 150 days; amended at 1411. Reg. 14562, effective August 27, 1990; amended at 1511. Reg. 7712, effective May 1, 1991; amended at 1711. Reg. 29795, effective February 11, 1993; amended at 2011. Reg. 11962, effective August 15, 1996; emergency amendment at 2111. Reg. 11973, effective August 15, 1997, for a maximum of 150 days.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 695.10 Basic Immunization

a) The optimum starting ages for the specified immunizing procedures are as follows:

- | | 2-4 months | 2-4 months, 6-12 months | 2-4 months, 6-12 months, 12-15 months |
|------------------|------------|-------------------------|---------------------------------------|
| 1) Diphtheria | | | |
| 2) Pertussis | | | |
| 3) Tetanus | | | |
| 4) Poliomyelitis | | | |
| 5) Measles | | | |
| 6) Rubella | | | |
| 7) Mumps | | | |
| 8) Haemophilus | | | |

influenzae type b

a) Hepatitis B

- b) All children 2 months of age and over upon first entering a child care facility shall present evidence that such person has been immunized, or is in the process of being immunized, according to the recommended schedule against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, Haemophilus influenzae type B, and hepatitis B.
- c) All children entering school programs (includes nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered or operated by a school or school district) in Illinois for the first time shall present evidence of immunity against:

- 1) Diphtheria
- 2) Pertussis (except as noted in subsection (d) of this Section)
- 3) Tetanus
- 4) Polionyelitis
- 5) Measles (except as noted in subsection (f) of this Section)
- 6) Rubella
- 7) Mumps
- 8) Haemophilus influenzae type b (except as noted in subsection (i) of this Section)
- 9) Hepatitis B (except as noted in subsection (j) of this Section)
- d) Diphtheria, Tetanus, Pertussis

1) Any child entering a child care facility or school program under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 695.50) of having received three doses of Diphtheria, Tetanus, Pertussis (DTP) by one year of age and one additional dose by the second birthday. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth or final dose must be at least 6 months. Any child 24 months of age or older shall present proof of four doses of vaccine, appropriately spaced.

2) Any child entering school, kindergarten or first grade, for the first time must show proof (see Section 695.50) of having received four or more doses of Diphtheria, Tetanus, Pertussis (DTP) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth, or final dose, must be at least 6 months. Children six years of age or older may receive Tetanus, Diphtheria and Pertussis vaccine in lieu of DTP. Any child 7 years of age or older who has received four or more doses of pertussis vaccine is not required to show proof of having received the tetanus and diphtheria component of the vaccine.

3) Any child entering school at a grade level not included in subsection (d)(1) or (2) of this Section must show proof (see

3) Any child entering school at a grade level not included in subsection (d)(1) or (2) of this Section must show proof (see

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 695.50) of having received three or more doses of DTP or Tetanus, Diphtheria (Td) with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than four weeks apart. The interval between the second and third, or final dose, must be at least 6 months.

4) If 10 years have elapsed since the last booster, an additional Td booster is required.

5) School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (d)(2), (3) and (4) above.

el Polio

1) Any child entering a child care facility or school program under the kindergarten level (day care, nursery schools, pre-school programs, early childhood programs, day camps, day care, or pre-kindergarten child care programs offered at the start of a school year) or entering a child care facility, day camp, day care, or school or school district must show proof (see Section 695.50) of having received two doses of Trivalent Oral Polio Vaccine (TOPV) by one year of age and a third dose by the second birthday. Individual doses in the series must have been received no less than 6 weeks apart. Any child 24 months of age or older shall present proof of at least three doses of TOPV, appropriately spaced.

2) Any child entering school at any grade level, K-12, must show proof (see Section 695.50) of having received three or more doses of Trivalent Polio vaccine (Triv) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance. The first two doses in the series must have been received no less than six weeks apart. The interval between the second and third or final dose must be at least six months.

3) A course of enhanced-potency inactivated polio vaccine (e-IPV) or inactivated polio vaccine (IPV) and appropriate boosters may, for an individual child, be substituted for vaccination with Trivalent Oral Polio Vaccine (TOPV) at the direction of a physician licensed to practice medicine in all its branches.

4) School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (e)(2) and (3) above.

f) Mea

Any child entering a child care facility or school program under the kindergarten program (defined as nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered or operated by a school or school district) shall present evidence of having received one dose of live measles virus vaccine by the second birthday. The measles vaccine must have been received at 12 months of age or older.

2) The child shall present evidence that he or she has:

A) been age-appropriately immunized against red measles (rubella) prior to entering a child care facility or school, including school programs under the kindergarten level, for the first time, or

B) a statement from the physician that he or she has had measles (rubeola), or

C) laboratory evidence of measles immunity.

3) Children entering school at any grade level, K-12, must show evidence of having received two doses of live measles virus vaccine, the first dose at 12 months of age or older and the second dose no less than 1 month after the first or other proof of immunity as described in this Part.

4) For students attending school programs where grade levels (K-12) are not assigned, including special education programs, proof of two doses of measles vaccine as described in subsection (f)(3) of this Section shall be submitted prior to the school year in which the child reaches the ages of 5, 10, and 15.

5) School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (f)(2), (3), and (4) above.

q) Mumps

1) Any child entering a child care facility or school program under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs) offered or operated by a school or school district) all present evidence of having received one dose of live mumps virus vaccine by the second birthday. The mumps vaccine must have been received at twelve (12) months of age or older.

A) The child shall present evidence that he or she has:
A) been age-appropriately immunized against mumps prior to entering a child care facility or school, including school programs under the kindergarten level, for the first time, or

B) a statement from the physician that he or she has had mumps,
or

C) laboratory evidence of mumps immunity (see Section 695.50(e)).

Children entering school at any grade level, K-12, must show evidence of having received at least one dose of mumps vaccine at 12 months of age or older.

Only those children who have been immunized with live mumps virus vaccine at twelve (12) months or older, had physician diagnosed mumps disease, or show laboratory evidence of immunity shall be considered to be immune.

3) School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Regulated Recharge Areas
- 2) Code Citation: 35 Ill. Adm. Code 617
- 3) Section Numbers: Source Note
- 4) Date Proposal published in Illinois Register: December 20, 1996, 20 Ill. Reg. 13956
- 5) Date Adoption published in Illinois Register: May 8, 1997, 21 Ill. Reg. 6569
- 6) Summary and Purpose of Expedited Correction: Corrects the source note from 16 Ill. Reg 1592 to 16 Ill. Reg. 1639.
- 7) Information and questions regarding this request shall be directed to:

Name: Audrey Lozik-Lawless
Address: Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601
Telephone: 312/814-6923

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

TITLE 35, ENVIRONMENTAL PROTECTION
SUBTITLE F, PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 617

REGULATED RECHARGE AREAS

SUBPART A: GENERAL

Section	Purpose
617.101	
617.102	Definitions

AUTHORITY: Implementing Sections 17.4 and authorized by Sections 27 of the Environmental Protection Act (415 ILCS 5/17.4 and 27).

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1639, effective January 10, 1992; amended in R86-8 at 21 Ill. Reg. 6569, effective May 8, 1997; expedited correction at 21 Ill. Reg. **11981**, effective May 8, 1997.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARING

Pursuant to section 9 of the Act, 820 ILCS 130/9 (1996), the Illinois Department of Labor will convene a hearing on the written objection filed by the National Wrecking Company, Inc. Hearing will be conducted at 10:00 A.M. on Wednesday, October 15, 1997, at the Illinois Administrative Procedure Act, 5 ILCS 100/10-10-70 (1996), and the procedures stated in Respondent's rules at 68 Ill. Adm. Code 680.230.

The hearing involves the National Wrecking Company's objection to the Department of Labor's determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaged in exterior demolition work in the County of Cook, State of Illinois, and the prevailing rate of wages for the classification(s).

1) Date, Time and Location of Public Hearing:

Wednesday, October 15, 1997
10:00 A.M.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, IL 60601

2) Other Pertinent Information:

1. The parties and their respective representatives must be prepared to proceed at the hearing. The parties must present all information, documents, records, or witnesses necessary to substantiate their position(s) at the hearing.
2. The Administrative Law Judge shall:
 - a. make a final administrative decision on the objections, pursuant to 68 Ill. Adm. Code 680.230 (s), as he believes the evidence warrants; and
 - b. promptly file a certified copy of the final administrative decision with the Secretary of State, and serve a copy by personal service or registered mail on all parties to the proceeding.
3. The Administrative Law Judge's determination on the objections is final and binding unless a party to this proceeding applies for and obtains judicial review of the final administrative decision in accordance with the provisions of the Administrative Review Law, 735 ILCS 5/3-101 - 3/113 (1996).
- 3) Name and Address of Agency Contact Person: Questions regarding the public hearing shall be directed to:

DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARING

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, IL 60601
(312) 793-1811

DEPARTMENT OF LABOR

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1) Heading of the Part: Health and Safety

2) Code Citation: 56 Ill. Adm. Code 350

3) Section Numbers: Proposed Action:
350.280(a) Refusal

4) Date of Proposal Published in the Illinois Register: April 4, 1997, 21
Ill. Reg. 4140

5) Date JCAR Statement of Objection Published in the Register: August 1,
1997, 21 Ill. Reg. 10159

6) Summary of Action Taken by the Agency:

On April 4, 1997, the Illinois Secretary of State published the above-referenced proposed rulemaking in the *Illinois Register*. The rulemaking, Section 350.280(a) by incorporating by reference 12 federal safety and health standards (OSH rules) effective July 1, 1996, and amended January 2, 1997, the 12 OSH rules are amendments to OSH rules that the Illinois Department of Labor (IDOL) incorporated by reference in previous amendments to Section 350.280(a). IDOL received no public comments concerning the proposed rulemaking.

On July 15, 1997, the Joint Committee on Administrative Rules (JCAR) issued a *Statement of Objection to Proposed Rulemaking* concerning the above-referenced rulemaking. The Statement said that JCAR objected to the rulemaking "because it could be economically burdensome to units of local government."

IDOL respectfully disagrees with the objection. The following discusses IDOL's decision not to modify or withdraw the proposed rule and to proceed with its implementation.

First, Sections 2 and 4(d) of the Health and Safety Act (Act) require the rulemaking. Pursuant to Section 2, the Act specifically covers units of local government and their employees. See also *AFSOME v. Bernardi*, Case No. 85 CR 11947 (Cook Cty. Cir. Ct., May 25, 1985) (commanded IDOL to include units of local government within the regulatory definition of an "employer").

Section 4(d) of the Act mandates IDOL's adoption of all OSH rules, unless IDOL promulgates alternative rules providing at least as effective health and safety standards as the OSH rules. The legislative history of Section 4(d) demonstrates that the provision for alternative State standards requires IDOL to establish, through the best available scientific

DEPARTMENT OF LABOR

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
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evidence, that its alternative standards are (and will continue to be) at least as effective as OSH rules.

The proposed rulemaking complies with Sections 2 and 4(d). As stated above, the rulemaking incorporates by reference all OSH rules effective July 1, 1996, and amended January 2, 1997. IDOL did not develop alternative State standards to the federal standards at issue because the current OSH rules ensures that: (1) public sector workers have the same level of protection afforded to private sector workers within the State of Illinois; and (2) Illinois' public sector employees benefit from the updating, clarification, or elimination of OSH rules that IDOL incorporated by reference in previous amendments to Section 350.280(a). In addition, the methodology required to promulgate alternative rules exceeds IDOL's resources.

Second, any potential costs imposed on units of local government by the proposed rules should be offset by the savings provided by the rulemaking. Ten of the 12 OSH rules: (1) update text; (2) delete redundant provisions (thus reducing volumes of regulations and preventing confusion); (3) make technical and minor corrective changes; (4) clarify language; (5) replace "command and control" text with "performance-oriented" language favored in regulatory reform; or (6) reorganize provisions IDOL previously incorporated by reference in Section 350.280(a). This portion of the rulemaking provides cost savings, not fiscal burdens.

Two of the OSH rules, "Safety Standards for Scaffolds Used in the Construction Industry" and "Occupational Exposure to Methylene Chloride," may result in a fiscal impact on public employers.

Addressing the scaffold standards, the OSH rules update standards OSHA promulgated in 1971. The new rules are performance oriented (providing employers with choices on fall protection) and cover a wide range of technologies such as suspended scaffolds. Specific costs are difficult to evaluate due to the performance oriented nature of the OSH rule. The Occupational Safety and Health Administration (OSHA) estimates that the annual compliance costs may include employee training (\$11 - \$130), fall protection (\$106) and scaffold inspection (\$356). Note, IDOL provides units of local government with free training, thus reducing compliance costs.

Addressing the methylene chloride (MC) standard, the rulemaking reduces the permissible exposure of the known carcinogen that IDOL currently regulates from 500 ppm to 25 ppm. OSHA estimates compliance costs at \$1,107.38 per facility covered by this rule and \$427.21 per exposed employee. MC is primarily used in manufacturing facilities by employees engaged in paint stripping, furniture refinishing, and metal cleaning.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 12, 1997 through August 18, 1997 and have been scheduled for review by the Committee at its September 16, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/25/97	Department of Insurance, Pre-Licensing and Continuing Education (50 Ill. Adm. Code 3119)	5/30/97	9/16/97
		21 Ill. Reg. 6362	

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ISSUES INDEX

August 29, 1997

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The letter "S" designates a Repealed Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 12); and Issue 3 (December 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jrulea@egate.sos.state.il.us (Internet address).

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SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

